

FLORIDA HOUSE OF REPRESENTATIVES

2011
SESSION SUMMARY



DEAN CANNON, SPEAKER

MAY 2011

2011 LEGISLATIVE SESSION

END OF SESSION REPORT

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2011 Legislative Session. This information is intended to provide Florida legislators and their constituents with a summary of the bills that passed both legislative chambers. This document is not an in-depth description of the bills noted.

For your convenience, several index options are included in the back of this report. These index options allow you to search for passed legislation by bill category, keywords associated with the bill or by bill number order (which also provides cross-reference information to identify bills passed as components of other bills). As you review these indexes it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found by accessing the following website:

House Bills: www.myfloridahouse.gov

The website includes both the current (or latest) version of a bill or analysis and all earlier versions:

- The enrolled version of a bill is the one that passed both chambers and is presented to the Governor - this is the version of the bill that has, or will, become law unless vetoed;
- Earlier versions of the bill do not reflect the exact language as passed by both chambers;
- The latest version of an analysis is the one that reflects the action of the last committee of reference.

It should be noted that at the time of publication of this report, May 31, 2011, some Acts have not been presented to the Governor and the time allotted for the Governor to approve or veto an act has not expired. Therefore, some acts identified as "passed" by both Chambers may not have become law.

To verify the status of acts passed by the Legislature, visit the Legislature's website or call the Division of Legislative Information at 1-800-342-1827.

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HOUSE OF REPRESENTATIVES

Appropriations Committee

**Representative Denise Grimsley, Chair
Representative Paige Kreegel, Vice Chair**

2011 SUMMARY OF PASSED LEGISLATION



Agriculture & Natural Resources Appropriations Subcommittee

**Representative Trudi Williams, Chair
Representative Steve Crisafulli, Vice Chair**

Government Operations Appropriations Subcommittee

**Representative Ed Hooper, Chair
Representative Debbie Mayfield, Vice Chair**

Health Care Appropriations Subcommittee

**Representative Matt Hudson, Chair
Representative Kenneth Roberson, Vice Chair**

Higher Education Appropriations Subcommittee

**Representative H. Marlene O'Toole, Chair
Representative Eduardo Gonzalez, Vice Chair**

Justice Appropriations Subcommittee

**Representative Richard Glorioso, Chair
Representative Charles McBurney, Vice Chair**

PreK-12 Appropriations Subcommittee

Representative Marti Coley, Chair
Representative Erik Fresen, Vice Chair

Transportation & Economic Development Appropriations Subcommittee

Representative Mike Horner, Chair
Representative Ritch Workman, Vice Chair

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CS/CS/SB 1314 - State Financial Matters

By: Budget; Governmental Oversight and Accountability; Alexander

Tied Bills: None

Companion Bills: HB 939

Committee(s) of Reference: Governmental Oversight and Accountability; Budget

Category: Budget

Keywords:

This bill increases agency accountability with respect to its contracting actions.

Specifically, the bill:

- Defines a new budget category "Lease or lease/purchase of equipment" in s. 216.011, Florida Statutes, for the Legislature to better track expenditures;
- Requires each state agency to provide certain contract information in its Legislative Budget Request when granting a concession contract in excess of \$10 million;
- Requires state agencies to identify the specific appropriation in the contract that will be used to make payment for the first year of the contract for contracts in excess of \$5 million, unless the Legislature specifically authorizes otherwise.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, and applies to initial contracts and agreements, amendments to a contract or agreement, and extensions or renewals of a contract or agreement which are executed on or after that date.

SB 2000 - Appropriations

By: Budget

Tied Bills: None

Companion Bills: HB 5001

Committee(s) of Reference: None

Category: Budget

Keywords:

TOTAL 2011-12 BUDGET OVERVIEW

General Revenue Funds:	\$23,182.7 million
State Trust Funds:	\$22,029.6 million
Federal Funds:	\$24,464.3 million
Total All Funds Budget:	\$69,676.6 million

Trust Fund Transfers to General Revenue and the State School Trust Fund: \$528.6 million

\$378.6 million to General Revenue:

- \$57.0 million from Government Operations Appropriation Subcommittee;
- \$58.0 million from Human Services Appropriation Subcommittee;

- \$57.6 million from Agriculture & Natural Resources Appropriation Subcommittee;
- \$8.0 million from Justice Appropriation Subcommittee; and
- \$198.0 million from Transportation & Economic Development Appropriation Subcommittee.

\$150.0 million to State School Trust Fund:

- \$150.0 million from State Transportation Trust Fund

Summary by House Committee/Subcommittee

Committee/Subcommittee	Conference Report
Agriculture & Natural Resources	2,495.0
Appropriations Committee	1,785.9
Government Operations	1,728.4
Health Care	29,991.3
Higher Education	5,871.2
Justice	4,937.6
Pre K-12	12,230.5
Transportation & Economic Development	10,636.7
Grand Total	<u>69,676.6</u>

AGRICULTURE & NATURAL RESOURCES APPROPRIATIONS SUBCOMMITTEE

The Conference Report on Senate Bill 2000 is \$2.5 billion in total funding (\$212 million in General Revenue funds and \$2,283 million in trust funds) and includes funding for 8,979.25 authorized positions. There is a 13.96 percent increase in total spending (a 1.2 percent decrease in General Revenue funds and a 15.6 percent increase in trust funds) over the current fiscal year appropriation. There is a 2.76 percent reduction in the number of positions (255 Full Time Equivalent positions; 108 of the positions are filled).

Major Provisions

- **BP Deepwater Horizon Oil Spill \$9.8 million**—Provides authority to spend funds from BP to conduct food safety testing and a high-visibility seafood marketing campaign;
- **Petroleum Tanks Cleanup Program \$128 million**—Provides funding for the clean-up of contaminated petroleum sites;
- **Everglades Restoration \$29.9 million total, \$10 million General Revenue**—Provides funding for the Comprehensive Everglades Restoration Plan and the implementation of the Northern Everglades and Estuaries Program;
- **Wastewater and Drinking Water Revolving Loan programs \$255.4 million total, \$19 million General Revenue**—Provides financial assistance to local governments for construction of critical environmental infrastructure and drinking water systems;
- **Total Maximum Daily Loads \$10.4 million total, \$4 million General Revenue**—Provides \$4 million for the installation of environmental monitoring to measure pollutants within drainage areas that impact springs and \$6.4 million for grants to local governments for storm water

quality restoration projects, nonpoint source best management practices, and monitoring water quality;

- **Beach Restoration \$16.3 million total, \$7.9 million General Revenue**—In addition to \$7.9 million General Revenue includes \$8.3 million from prior years' unspent funds and reversions;
- **Deepwater Horizon \$100 million**—Provides funding for restoration projects to address injuries to natural resources caused by the Deepwater Horizon oil spill. Funding is provided based on the Early Restoration Framework Agreement executed by BP and the Natural Resources Trustees;
- **Land Acquisition \$305 million**—Provides budget authority from the sale of surplus lands and interest earnings in which the proceeds will be used to purchase conservation lands;
- **Invasive Plant Control Program \$6.5 million**—Reduces funding for managing aquatic and terrestrial invasive plants from \$35 million to \$28.5 million;
- **Trust Fund Transfers to General Revenue \$57.6 billion**—is transferred from state trust funds where the revenue is documentary stamp taxes;
- **Funding Based on Deregulation of Professions and Occupations \$0.2 million trust funds**—Eliminates 4 positions and related expenses based on the deregulation of sellers of business opportunities in HB 5005;
- **Funding Related to Lemon Law and Price Gouging \$0.4 million trust funds**—Eliminates 6 positions and related expenses from the Lemon Law program and 1 position from the price gouging program based on the transfer of both programs to the Department of Legal Affairs; and
- **Service Fee Expansion \$2.1 million**—Reduced General Revenue and state trust funds by replacing with federal funds as a result of expanding the use of the service fees paid by loan recipients of the Water Pollution Control Financial Assistance program from only program administration to include other water quality activities.

State Agency Budgets

Department of Agriculture and Consumer Services

The total 2011-12 fiscal year budget for the Department of Agriculture and Consumer Services is \$349.1 million. This represents an increase of \$12.3 million or 3.6 percent over the 2010-11 fiscal year appropriation. This budget includes the elimination of 129.5 positions (92 vacant and 37.5 filled) for a total decrease in positions of 3.5 percent.

Additional Agency Budget Details

- **BP Deepwater Horizon Oil Spill \$9.8 million**—Provides authority to spend funds from BP to conduct food safety testing and a high-visibility seafood marketing campaign;
- **Northern Everglades \$7.4 million total, \$3 million General Revenue**—Provides funding for the operation and maintenance of existing hybrid wetland/chemical treatment projects within the Northern Everglades and for the development and implementation of water resource protection best management practices in the Northern Everglades and Estuaries Protection Area;
- **Water Policy Best Management Practices \$9.6 million total, \$8 million General Revenue**—Provides \$4 million for soil sensor-based systems, \$4 million for a weather decision support system, \$0.4 million for water conservation and \$1.2 million for Best Management Practices;

- **Food Banks and Farm Share \$1.2 million**—Provides funding for Farm Share (\$750,000) and Food Banks (\$500,000), which collect and distribute surplus food and grocery items to people in poverty or times of crisis;
- **Emergency Food Distribution \$1.5 million**—Provides additional federal funding for the Emergency Food Assistance Program;
- **Florida Agricultural Promotion Campaign \$3.5 million General Revenue**—Restores funding to a prior year level for the “Fresh From Florida” campaign;
- **Forestry Wildfire Equipment \$2 million**—Provides funding to upgrade equipment and enhance safety in fighting wildfires;
- **Stimulus Funding (ARRA of 2009) \$3.2 million**—Provides federal funding to help protect and restore the longleaf pine ecosystem and to enhance fire suppression capabilities and fire prevention education in rural areas;
- **Oyster Re-seeding and Rehabilitation \$1.2 million**—Continues federal funding for re-seeding, rehabilitation and restoration of oyster reefs in Florida as a result of damage suffered from the 2005 Hurricane Season;
- **Citrus Health Response Program \$7.1 million total, \$1.5 million state funds**—Provides funding to protect the economic well-being of the Florida citrus industry from citrus canker, greening and other exotic diseases;
- **Citrus Marketing Orders \$4.8 million**—Provides funding for citrus research through a self-imposed industry assessment;
- **Agricultural Research \$2 million General Revenue**—Provides funding contingent on a dollar-for-dollar match from federal or private funds to conduct research on citrus disease;
- **Plant Pest and Disease Control Assistance \$2 million**—Provides federal spending authority for implementation of U.S. Dept. of Agriculture cooperative agreements received throughout the year. Funds are used to combat newly discovered plant pests and diseases;
- **Agricultural Development \$1.5 million**—Provides funding for various projects including aquaculture, viticulture, apiary research, Florida Horse Park, Turner Agri-Civic Center and maintenance of State Farmers’ Markets;
- **Livestock Reporting Program \$0.2 million trust funds**—Eliminates 4 positions and associated expenses; the number of users of this service is small. When comparable programs have been eliminated in other states, the U.S. Dept. of Agriculture has often continued the service;
- **Vacant Positions \$3.2 million total, \$1.7 million General Revenue**—Eliminates 71 positions of which most have been vacant more than 120 days and some more than 5 years;
- **Funding Related to Deregulation of Professions and Occupations and Transfer of the Lemon Law and Price Gouging Programs \$0.6 million trust funds**—Eliminates 4 positions and related expenses as a result of the deregulation of sellers of business opportunities in HB 5005. Eliminates 6 positions and related expenses from the Lemon Law program and 1 position from the price gouging program based on the transfer of both programs to the Department of Legal Affairs in HB 5007; and
- **Law Enforcement Support Positions \$0.6 million**—Eliminates 6.5 positions in Agricultural Interdiction Stations and Agricultural Law Enforcement that provide support services and eliminates 3 Full Time Equivalent positions in investigative staff.

Department of Citrus

The total 2011-12 fiscal year budget for the Department of Citrus is \$67.4 million. This budget represents a decrease of \$432,311 or 0.65 percent from the 2010-11 fiscal year appropriation. This budget includes the elimination of 8 vacant positions representing an 11.8 percent decrease.

Additional Agency Budget Details

- **Vacant Position Reductions \$0.4 million**—Eliminates a total of 8 vacant positions 6 that the department has no plans to fill or that have been vacant for more than 2 years and 2 positions eliminated as a result of a review of supervisor to subordinate ratios.

Department of Environmental Protection

The total 2011-12 fiscal year budget for the Department of Environmental Protection is \$1.79 billion. This budget represents an increase of \$303.9 million or 20.4 percent over the 2010-11 fiscal year appropriation. This budget includes the elimination of 117.5 positions (47 vacant and 70.5 filled) for a 3.3 percent decrease.

Additional Agency Budget Details

- **Drinking Water Revolving Loan Program \$91.1 million total, \$8.6 million General Revenue**—Provides financial assistance to local governments for the construction of drinking water systems;
- **Wastewater Revolving Loan program \$164.3 million total, \$10.4 million General Revenue**—Provides financial assistance to local governments for construction of critical environmental infrastructure;
- **Total Maximum Daily Loads \$10.4 million total, \$4 million General Revenue**—Provides \$4 million for the management of Florida springs through innovative monitoring systems to measure pollutants within drainage areas that impact springs and \$6.4 million for grants to local governments for storm water quality restoration projects, nonpoint source best management practices, and monitoring water quality;
- **Deepwater Horizon \$100 million**—Provides funding for restoration projects to address injuries to natural resources caused by the Deepwater Horizon oil spill. Funding is provided based on the Early Restoration Framework Agreement executed by BP and the Natural Resources Trustees;
- **Beach Restoration \$16.2 million total, \$7.9 million General Revenue**—Provides funding for the beach restoration program;
- **Restore St. Johns River \$10 million total, \$10 million General Revenue**—Provides funding for restoration activities associated with meeting the nutrient reduction goal to restore the health of the St. Johns River;
- **Grants/Aids Winter Haven Lake and Peace Creek \$3.3 million**—Provides management and restoration activities for the Winter Haven Lake and the Peace Creek watershed;
- **Petroleum Tanks Cleanup Program \$128 million**—Provides funding for the clean-up of contaminated petroleum sites;
- **Everglades Restoration \$29.9 million total, \$10 million General Revenue**—Provides funding for the Comprehensive Everglades Restoration Plan and the implementation of the Northern Everglades and Estuaries Program;
- **Mulberry/Piney Point Site Cleanup \$3 million**—Provides funding for the Mulberry phosphogypsum stack system cleanup;
- **State Parks Repairs and Maintenance \$6 million**—Provides \$5 million for state park repairs and \$1 million to remove access to barriers;

- **Dry-cleaning Solvent Contaminated Site Cleanup \$4 million**—Provides funding for the Dry-cleaning Solvent Cleanup program for eligible contaminated sites;
- **Florida Keys Overseas Heritage Trail Bridge Repairs \$2 million**—Provides funding for Office of Greenways & Trails bridge repairs;
- **Small County Wastewater Grants \$16.6 million**—Provides grant funding for disadvantaged small communities to assist with meeting their needs for adequate sewer facilities;
- **Solid Waste Management \$2.4 million**—Provides grant funding to counties for litter prevention control, solid waste management services, recycling and waste tires;
- **Hazardous Waste Cleanup \$4 million**—Provides budget authority to conduct multi-year cleanup projects at contaminated sites that are either abandoned or owned by responsible parties who are insolvent and unable to fund cleanup activities;
- **Federal Grant Budget Authority \$16.3 million**—Provides \$1.5 million for the Clean Marina Program, \$2.1 million for Federal Land/Water Conservation Grants, \$2.2 million for the Florida Coastal Zone Management Program, \$3.5 million for National Recreation Trail Grants, \$1 million for Disaster Related Repairs, and \$6 million for Greenway Improvement Grants;
- **Nonpoint Source Management Planning Grants \$17.4 million**—Provides funding for nonpoint source fixed capital outlay projects to local governmental entities to construct pollution controls and development/implementation of best management practices;
- **Land Acquisition \$305 million**—Provides budget authority from the sale of surplus lands and interest earnings in which the proceeds will be used to purchase conservation lands;
- **Sebring Regulatory District Branch Office \$0.3 million**—Eliminates 7 Full Time Equivalent positions and related expenses and closes the branch office responsible for permitting, compliance verification, investigations and enforcement in air pollution prevention, waste control and water resource protection;
- **Division of State Lands \$1.4 million**—Reduces operational funding, OPS staff and 8 Full Time Equivalent positions that support the land administration and land management functions of the Division of State Lands;
- **Office of Greenways & Trails \$.5 million**—Eliminates 8 positions in the Office of Greenways & Trails by merging the office into the Division of Recreation and Parks;
- **Recreation and Parks \$5.1 million**—Eliminates 50.5 positions and 8.5 OPS positions by closing 4 aquatic preserve offices, reducing the Florida Recreation Development Assistance program, reducing the Bureau of Design and Construction, reducing district training program and outsourcing concession programs;
- **Storage Tank Compliance Verification \$3 million**—Reduces storage tank compliance verification inspections throughout the state and reduces frequency of inspections;
- **Environmental Investigation \$.4 million**—Eliminates 6 law enforcement agent positions in Environmental Investigations;
- **Executive/Administrative \$2.4 million**—Eliminates 34 positions in various operational capacities within the executive and managerial operational areas; and
- **Service Fee Expansion \$2.1 million**—Reduced General Revenue and state trust funds by replacing with federal funds as a result of expanding the use of the service fees paid by loan recipients of the Water Pollution Control Financial Assistance program from only program administration to include other water quality activities, such as monitoring activities, total maximum daily loads development, watershed restoration best management practices and source water assessments.

Fish and Wildlife Conservation Commission

The total 2011-12 fiscal year budget for the Fish and Wildlife Conservation Commission is \$287.6 million. This budget represents a decrease of \$10.1 million or 3.4 percent from the 2010-11 fiscal year appropriation. The budget does not include any position eliminations.

Additional Agency Budget Details

- **Lake Restoration \$2 million**—Provides funding for statewide aquatic habitat restoration/enhancement projects;
- **Artificial Reef Construction \$0.8 million total, \$0.3 million state funds**—Provides grants to local governments, qualified nonprofit entities and state universities for local artificial reef planning, development, assessments and management;
- **Boating Infrastructure \$5.6 million**—Provides funding for various boating access projects and boating infrastructure for transient vessels;
- **Law Enforcement Contract and Grants \$3.9 million**—Provides funding for various federal contracts and grants including \$375,000 for the 2009 Law Enforcement Terrorism Prevention and Protection grant (domestic security); \$3 million for federal Recreational Boating Safety grant; \$300,000 from the U.S. Air Force to provide patrol on military lands and \$200,000 from water management districts;
- **Invasive Plant Control Program \$6.5 million**—Reduces funding for managing aquatic and terrestrial invasive plants from \$35 million to \$28.5 million;
- **Trap Tag and Limited Entry Worksheets and Permits \$0.1 million**—Eliminates pre-printed trap tags for blue crab, stone crab and lobsters and limited entry/quota worksheets. Pre-printed trap tags will be replaced with an ordering system where the tags are manufactured and shipped when the fisherman pays for the tags; required limited entry/quota forms will be available for printing from the Internet or could be picked up at sales locations;
- **Fishing Regulation Publications \$0.1 million**—Eliminates publication and distribution of commercial and recreational saltwater fishing regulations; electronic access is still available; and
- **Florida Wildlife Magazine and Wildlife Management Area Brochures \$0.2 million**—Eliminates printed copies of the magazine and reduces the number of brochures from 1.2 million to 750,000; magazine and downloadable brochures will remain available on the Internet.

Trust Fund Sweeps

- **Department of Environmental Protection**

Ecosystem Management & Restoration Trust Fund	\$12.1 million
Inland Protection Trust Fund	\$5.5 million
Land Acquisition Trust Fund	\$21 million
Solid Waste Management Trust Fund	\$0.5 million
Water Management Lands Trust Fund	\$10 million
Water Quality Assurance Trust Fund	\$2 million
- **Fish and Wildlife Conservation Commission**

Invasive Plant Control Trust Fund	\$6.5 million
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GOVERNMENT OPERATIONS APPROPRIATIONS SUBCOMMITTEE

The Government Operations Appropriations Subcommittee crafted a \$1.7 billion budget for the 2011-12 fiscal year to meet the core functions of state government. This budget represents a \$17.2 million or 1.0 percent decrease in total spending compared to the 2010-11 fiscal year budget. This budget includes \$260.6 million in General Revenue, a decrease of 3 percent or \$8.7 million from the 2010-11 fiscal year and \$1.46 billion in Trust Funds, a decrease of 1.0 percent or \$8.5 million. The budget includes funding for 11,390.25 positions.

Major Provisions

- **Fiscally Constrained Counties \$25.5 million**—Provides funding to offset reductions in ad valorem tax revenue; \$25 million for Constrained Counties and \$537,260 Conservation Lands;
- **Child Support Automated Management System (CAMS Phase II) \$33.9 million**—Estimated completion date is February, 2012;
- **Local Retirement System Bureau \$475,000**—Provides funding in nonrecurring General Revenue to ensure solvency of the Local Retirement System’s bureau responsible for reviewing and monitoring local retirement systems and municipal police officer and firefighter pensions;
- **Florida National Guard \$1.2 million**—Provides funding in recurring General Revenue for increases in pension payments for members of the Florida National Guard;
- **Three Percent Withholding on Payments for Services**—Funds 11 staff positions and \$1.6 million in budget for the 3 percent withholding on payments for services and payments federal mandate;
- **Compulsive Gambling Program**—Reduces program funding by \$1.0 million;
- **Executive Aircraft Program**—Eliminates \$1.5 million in funding for the executive aircraft program;
- **Governor’s Commission on Disabilities**—Eliminates the Governor’s Commission on Disabilities;
- **Workers’ Compensation Appeals Program**—Eliminates 16 staff positions and \$771,000 in funding for administrative efficiencies in the statewide district offices; and
- **Public Service Commission**—Eliminates 27 staff positions and \$2.0 million to enhance administrative efficiencies in the Public Service Commission.

State Agency Budgets

Department of Business and Professional Regulation

The total 2011-12 fiscal year budget for the Department of Business and Professional Regulation is \$131 million budget, which represents an increase of \$500,000 or 0.4 percent, over the 2010-11 fiscal year. This increase is due to the transfer of the Florida Drug, Cosmetics and Devices regulatory program from the Department of Health to the Department of Business and Professional Regulation. If the transfer had not taken place, the Department would have seen a reduction of \$1.9 million for the 2011-12 fiscal year.

Additional Agency Budget Details

- **Reductions Associated with Deregulation of Professions and Occupations**—as associated with HB 5005, Professional Regulation, a reduction of 1 Full Time Equivalent position and \$52,533;
- **Pari-Mutuel Wagering and Slot Machine Regulation**—Reductions of \$974,992, including reducing the Compulsive Gambling Contract from \$750,000 to \$264,700;

- **Reduction in Agency Program Staff**—Eliminates 5 Full Time Equivalent positions and \$416,515 in Professional Regulation, 2 Full Time Equivalent positions and \$201,757 in Communications, 7 Full Time Equivalent positions and \$443,802 in Condominiums, Timeshares and Mobile Homes as well as 9 vacant Department positions and \$475,110;
- **Drug, Device and Cosmetic Regulatory Program**—Transferred from Department of Health effective October 1, 2011, a total of 32 Full Time Equivalent positions and \$2.25 million. Transfer includes appropriation for one additional position: Executive Director to oversee the program;
- **Enforcement of Underage Drinking Laws Federal Block Grant**—\$439,062 is provided for the enforcement of underage drinking laws with the transfers of the federal block for enforcement of underage drinking laws from the Executive Office of the Governor to the Department's, Division of Alcoholic Beverages & Tobacco;
- **Construction Recovery Fund**—Increased funding of \$300,000 to pay claims in 2011-12 fiscal year. Funding of this issue will provide a total of \$900,000 in budget for the Construction Recovery Fund to pay pending claims in the 2011-12 fiscal year. Homeowners who have obtained judgments against contractors may apply to the Construction Industry Licensing Board for funds collected pursuant to section 468.631, F.S.; and
- **Hospitality Education Program**—\$706,698 in funding for the Hospitality Program which provides educational opportunities for young people to learn skills in the restaurant and hotel industries. The program is funded by a \$10 fee currently in statute that is collected in conjunction with the annual license fee from each public food service and public lodging establishment, per section 509.302, F.S.

Department of Financial Services

The total 2011-12 fiscal year budget for the Department of Financial Services is \$233.8 million which represents a \$2.2 million or 1 percent increase over the 2010-11 fiscal year. The 2011-12 fiscal year budget includes the elimination of 108 Full Time Equivalent positions.

Additional Agency Budget Details

- **Withholding Federal Mandate**—This budget includes \$1,644,541 and 11 Full Time Equivalent positions for workload related to the 3 percent withholding federal mandate; and
- **Transfer of Public Assistance Fraud Unit**—Type 2 transfer of the Public Assistance Fraud unit from Florida Department of Law Enforcement including 63 Full Time Equivalent positions and \$6,292,721.
- **Consumer Advocate program**—Eliminates 4 Full Time Equivalent positions and \$439,589; and
- **Position Eliminations**—This budget eliminates \$1,561,924 and 25 middle management positions, 5 of which are vacant and 20 are filled.

Office of Insurance Regulation

The total 2011-12 fiscal year budget for the Office of Insurance Regulation is \$27.8 million which is decrease of \$555,000 or 2 percent over the 2010-11 fiscal year. The 2011-12 fiscal year budget includes the elimination of 7 vacant Full Time Equivalent positions and \$428,000.

Office of Financial Regulation

The total 2011-12 fiscal year budget for the Office of Financial Regulation is \$42.7 million which is a decrease of \$950,000 or 2.2 percent from the 2010-11 fiscal year. The budget represents a reduction of 21 Full Time Equivalent positions and \$1.2 million.

Additional Agency Budget Details

- **Operations and Maintenance of the REAL Licensing System**—Provides \$1.8 million (\$1,587,578 in nonrecurring) in Administrative Trust Fund dollars for the operation and maintenance of the REAL mortgage licensing system.

Department of the Lottery

The total 2011-12 fiscal year budget for the Department of the Lottery is \$137.5 million, which is an increase of \$2.5 million or 1.8 percent over the 2010-11 fiscal year.

Additional Agency Budget Details

- **Education Funding**—Budget is \$2.6 million less than the Revenue Estimating Conference estimate, which translates to \$2.6 million more to education;
- **Internal Reductions**—Budget reductions of \$1.3 million are due primarily to a reduction of 13 vacant Full Time Equivalent positions and a reduction of \$550,000 in contract payments for the outsourced compulsive gambling program; and
- **Budget Increases**—Additional \$3.8 million is due primarily to the online and scratch-off games vendor contract payments and various operational needs.

Department of Management Services

The total 2011-12 fiscal year budget for the Department of Management Services is \$581 million which represents a decrease of \$5.9 million, or 1 percent, from the 2010-11 fiscal year appropriation. The budget includes the elimination of 57 Full Time Equivalent positions from the Department as well as the addition of 6 new positions. The newly created Agency for Business Enterprise Services accounts for 3 of the new positions.

Additional Agency Budget Details

- **Budget Increases**—Funding of \$25.7 million to cover building repairs, renovations, and maintenance for leased buildings and buildings in the state's facilities pool; to meet contract obligations; debt service payments on pool facilities; to cover increased pension payments for members of the Florida National Guard; to replace federal dollars relating to the state law enforcement radio system, federal grant spending authority; salary budget restoration; to cover estimated trust fund deficits; and to fund ongoing issues relating to the full service transfer and the data center consolidation project;
- **Budget Reductions**—Provides for a reduction of \$15.1 million due to the elimination of non-mission essential programs, administrative efficiencies, contract savings, surplus budget, and positions; and
- **Funding Transfers**—Certain budget reductions and cash surpluses allow for trust fund sweeps totaling \$10.5 million, a redirect to the General Revenue Fund of \$1.3 million, and a recurring transfer of \$1.0 million to the Department of Financial Services.

Public Service Commission

The total 2011-12 fiscal year budget for the Public Service Commission is \$26 million which represents a decrease of \$2 million or 7.1 percent from the 2010-11 fiscal year appropriation. The budget includes the elimination of 27 Full Time Equivalent positions to enhance administrative efficiencies, which allowed a Trust Fund sweep of \$3 million.

Department of Revenue

The total 2011-12 fiscal year budget for the Department of Revenue is \$548.2 million which is decrease of \$12.4 million or 2.3 percent from the 2010-11 fiscal year. Federal funds account for \$212 million of the total budget. This budget eliminates 52 Full Time Equivalent positions and \$2.6 million.

Additional Agency Budget Details

- **Fiscally Constrained Counties**—Provides \$25.5 million in nonrecurring General Revenue funding for Fiscally Constrained Counties;
- **Aerial Photography**—Provides \$500,000 in nonrecurring General Revenue;
- **Child Support Automated Management System (CAMS II)**—Provides \$4,575,723 in General Revenue, \$7 million in State Trust Funds and \$22.3 million in Federal Trust Funds;
- **Replacement of Stimulus Funds**— Provides \$2,542,871 in General Revenue;
- **\$25 Child Support Fee** —Provides \$1,049,598 in Operating Trust Fund dollars; and
- **Budget Reductions**—Provides a reduction of \$272,137 in General Revenue for the SUNTAX system and reduces expenses by \$648,126 in General Tax Administration.

HEALTH CARE APPROPRIATIONS SUBCOMMITTEE

The 2011-12 Health Care Appropriations Committee budget totals \$29.9 billion. This budget includes \$7 billion in General Revenue funding and \$22.9 billion in Trust Funds. This is a 5.03 percent increase in total spending and 3.67 percent increase in General Revenue over the 2010-11 fiscal year. The 2011-12 budget includes funding for 35,686.25 Full Time Equivalent positions which is reduction of 1,185.5 positions or 3.22 percent over the previous fiscal year. The budget also includes \$2.1 billion in state funds for stimulus flameout as a result of a change in the federal Medicaid match rate.

Major Provisions

- **Medicaid Eligibility and Optional Services**—No categories of Medicaid eligibility are changed or eliminated. No elimination of optional services including adult dental, vision, hearing, podiatric, chiropractic services or hospice services;
- **Medicaid Price Level and Workload Adjustment \$2,919.8 million total, \$1,392.4 million General Revenue**—Additional funding for increased Medicaid caseloads and price level adjustments as agreed upon by the February 2011 Social Service Estimating Conference for an anticipated additional 236,136 Medicaid beneficiaries. Includes approximately \$2,085.6 million in state funds for stimulus flame out due to change in federal matching rate;
- **Restore Medically Needy for Adults and MEDS AD Programs \$2,051.3 million total, including \$687 million in General Revenue**—Recurring funding provided to restore the Medically Needy for Adults and MEDS AD program to provide services to approximately 46,096 beneficiaries in the Medically Needy program and 42,115 beneficiaries in the MEDS AD program monthly;
- **Florida KidCare Enrollment Increase \$36.2 million total, including \$423,749 in General Revenue, \$7.4 million Tobacco Settlement Trust Fund**—Provides funding to fully fund the 2011-12 anticipated growth in the Kidcare Program. Funding is expected to serve an additional 22,848 children representing an 8 percent growth rate;
- **Nursing Home Diversion Waiver Slots \$17.8 million total, including \$7.9 million in General Revenue**—Provides funding for an additional 1,000 slots in the nursing home diversion program funded by a reduction in the nursing home line item resulting in approximately 18,350 slots;

- **Local Service/Home Care and Community Care for the Elderly \$12.1 million General Revenue total**—Full restoration of community-based services for elders such as the Local Services Program and Alzheimer’s Disease Projects with recurring funds;
- **Program of All-Inclusive Care for the Elderly (PACE) \$2.7 million total, including \$1.2 million in General Revenue**—Funding to support the Program of All-Inclusive Care for the Elderly (PACE) by funding 150 slots in Polk, Highlands and Hardee counties, 50 slots in Lee County, and 75 additional slots in Pinellas County PACE Programs;
- **Restore Nonrecurring Funding for Mental Health and Substance Abuse**—Restores nonrecurring \$73 million to the Department of Children and Families with \$69.4 million in General Revenue funding for Mental Health and Substance Abuse Services and \$3.9 million for Maintenance Adoption Subsidies;
- **Resources to Address Agency for Persons with Disabilities Waiver Deficit \$54.5million, \$24 million General Revenue and \$30.5 million in Trust Funds**—Provides funding to address the Medicaid Home and Community Based Services Waiver. There is a projected deficit in the wavier in Fiscal Year 2010-2011 and there is a continuing deficit projected for Fiscal year 2011-2012. The funding will provide \$24 million in General Revenue for a total of \$54.5 million to address the deficit in Fiscal Year 2011-2012;
- **Home and Community Based Services Waiver \$5.7 million total, \$2.5 million General Revenue**—Funding to serve elders on the waitlist for the Aged and Disabled Adult waiver who are assessed at a priority score of 4 or higher. Provides funding for an additional 1,250 slots;
- **Transfer Funding for Brain & Spinal Cord Waiver**—Transfers \$3 million to the Brain & Spinal Cord Injury Program Waiver to fund 257 additional waiver slots;
- **Dental Services Fee Increase \$56.2 million total, \$24.7 million General Revenue**—Funding to increase reimbursement rates to dental providers for services provided to children by 48.6 percent;
- **Biomedical Research Funding \$30 million**—Provides \$5 million in biomedical research funding to James and Esther King, \$10 million for Bankhead/Coley, \$5 million for H. Lee Moffitt, \$5 million for Sylvester Cancer Center, and \$5 million for Shands Cancer Hospital;
- **Rate Reductions**—Hospital Rates reduced 12 percent, County Health Department Rates reduced 10 percent, Nursing Home Rates reduced 6.5 percent, Institutional Care for the Developmentally Disabled Rates reduced 3 percent, and Children’s and Rural Hospital Rates reduced 3 percent. Buy back authority was implemented for all hospitals;
- **Medicaid Non Emergency Transportation Rates \$4.6 million total, \$2 million General Revenue**—Reduces non-emergent transportation provided through contract with Coordinated Transportation for the Disadvantaged Council by 7 percent, effective July 1, 2011;
- **Department of Children and Families Agency Overhead Reduction \$20.3 million total, \$18.1 million General Revenue and \$2.2 million Trust Funds**—Reduces Department administration statewide by 273 positions and \$18.1 million in General Revenue for a total reduction of \$20.3 million;
- **Reduces Area Health Education Centers Funding \$4.8 million General Revenue**—Reduces funding to the Area Health Education Centers who link the provision of primary care to low-income persons with the education of medical students, interns and residents through local centers affiliated with Florida's five medical schools;
- **Reduces Healthy Start Funding \$5.4 million General Revenue**—Reduces funding to Healthy Start Coalitions that are nonprofit agencies charged with the oversight of the maternal and child health system of care in their local communities; and

- **Eliminates Correctional Medical Authority**—Eliminates 6 Full Time Equivalent positions and \$717,680 in General Revenue funding associated with the Correctional Medical Authority which monitors the quality of physical and mental health services to Florida's inmates.

State Agency Budgets

Agency for Health Care Administration

The 2011-12 fiscal year budget for the Agency for Health Care Administration totals \$22.3 billion which represents an increase of \$1.5 billion or 7.14 percent over the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- **Medicaid Price Level and Workload Adjustment \$2,919.8 million total, \$1,392.4 million General Revenue**—Additional funding for increased Medicaid caseloads and price level adjustments as agreed upon by the February 2011 Social Service Estimating Conference for an anticipated additional 236,136 Medicaid beneficiaries. Includes approximately \$2,085.6 million in state funds for stimulus flame out due to the change in federal matching rate;
- **Restoration of Medically Needy for Adults and MEDS AD Programs \$2,051.3 million total, \$687 million General Revenue**—Recurring funding provided to restore the Medically Needy for Adults and MEDS AD program to provide services to approximately 46,096 beneficiaries in the Medically Needy program and 42,115 beneficiaries in the MEDS AD program monthly;
- **Florida KidCare Enrollment Increase \$36.2 million total, \$423,749 General Revenue, \$7.4 million Tobacco Settlement Trust Fund**—Provides funding to fully fund the 2011-12 anticipated growth in the KidCare Program. Funding is expected to serve an additional 22,848 children which represents an 8 percent growth rate;
- **Tdap Vaccination for Postpartum Mothers \$1.8 million total, \$800,000 General Revenue**—Provides funding for Tdap vaccinations for postpartum mothers enrolled in the Medicaid program;
- **Dental Services Fee Increase \$56.2 million total, \$24.7 million General Revenue**—Funding to increase reimbursement rates to dental providers for services provided to children;
- **Graduate Medical Education Program \$5 million total, \$2.2 million General Revenue**—Funding to support Mount Sinai Medical Center participation in graduate medical education initiatives and to develop and sustain graduate medical education positions for training;
- **Medicaid Electronic Health Record Incentive Program \$280.5 million total**—Provides funding for incentive payments to eligible Medicaid providers and hospitals for the adoption and use of certified electronic health records technology;
- **Enhanced Detection Technology \$800,000 total**—Provides trust fund authority for the replacement of the Fraud and Abuse Case Tracking System (FACTS);
- **Online Licensing and Reconciliation System \$1.8 million total**—Provides trust fund authority for the development and implementation of an online licensing system;
- **Institutional Provider Unit Cost Freeze \$393.9 million total, \$137 million General Revenue**—Savings associated with continuing the unit cost freeze on Medicaid provider rates for hospitals, nursing homes, community intermediate care facilities for the developmentally disabled and county health departments;
- **Freeze Medikids Capitation Rates \$2.5 million total, \$763,524 General Revenue**—Impact to Medikids capitation rates from continuing the freeze on unit cost for Medicaid institutional providers;

- **Freeze Florida Healthy Kids Corporation Capitation Rates \$10.4 million total, \$3.2 million General Revenue**—Savings associated with freezing Florida Healthy Kids Corporation capitation rates at the average June 30, 2010, rate levels;
- **Hospital Outpatient Rate Reduction \$102.9 million total, \$45.3 million General Revenue**—Reduces the projected Medicaid hospital outpatient rates by 12 percent, effective July 1, 2011. Includes a 3 percent rate reduction for Children’s and Rural Hospitals. Ability to buy back rate reductions is provided through the use of intergovernmental transfers if available;
- **Hospital Inpatient Rate Reduction \$407.5 million total, \$179.0 million General Revenue**—Reduces the projected Medicaid hospital inpatient rates by 12 percent, effective July 1, 2011. Includes a 3 percent rate reduction for Children’s and Rural Hospitals. Ability to buy back rate reductions is provided through the use of intergovernmental transfers if available;
- **Prepaid Health Plan Rate Reduction \$154.2 million total, \$67.7 million General Revenue**—Reduces the projected Medicaid Prepaid Health Plan rates effective September 1, 2011. Prepaid Health Plan reimbursement rates are calculated as a percentage of the hospital inpatient, hospital outpatient, and County Health Department Clinic rates and receive a corresponding reduction when provider rates are reduced;
- **Reduce Nursing Home Reimbursement Rates \$187.8 million total, \$82.9 million General Revenue**—Reduces the projected Medicaid nursing home expenditures by 6.5 percent, effective July 1, 2011, but provides ability for nursing homes to partially restore this reduction through their quality assessment program;
- **Reduce Hospice Reimbursement Rates \$15.5 million total, \$6.8 million General Revenue**—Reduces the projected Medicaid hospice rates by 6.5 percent, effective July 1, 2011. Hospice reimbursement rates are calculated as a percentage of nursing home rates and receive a corresponding reduction when nursing home rates are reduced. Partial buy back of rate reductions is provided with quality assessments;
- **Reduce Intermediate Care Facilities for the Developmentally Disabled Provider Rates \$6.3 million total, \$2.8 million General Revenue**—Reduces rates for providers by 3 percent, effective October 1, 2011, but provides ability for providers to partially restore this reduction through their quality assessment program;
- **Reduction of County Health Department Reimbursement Rates \$14.3 million total, \$6.3 million General Revenue**—Reduces the projected Medicaid County Health Department expenditures by 10 percent, effective July 1, 2011. Ability to buy back rate reductions is provided through county intergovernmental transfers;
- **Non-Emergency Transportation Rate Reduction \$4.6 million total, \$2.0 million General Revenue**—Reduces non-emergent transportation provided through the contract with Coordinated Transportation for the Disadvantaged Council by 7 percent, effective July 1, 2011;
- **Pharmacy Program Reduction \$22.3 million total, \$9.8 million General Revenue**—Savings associated with modifying the pharmacy reimbursement methodology from Wholesale Acquisition Cost (WAC) plus 4.75 percent to WAC plus 1.5 percent due to the change in Average Wholesale Pricing structure;
- **Savings from Nursing Home Growth to Waiver Program \$15.5 million total, \$6.8 million General Revenue**—Savings associated with providing an additional 1,000 slots in the Nursing Home Diversion program and an additional 1,250 slots for the Aged and Disabled Adult waiver program;
- **Eliminates the Hospitalist Contracts \$6.2 million total, \$2.7 million General Revenue**—Reduces funding for contractual arrangements with 3 vendors to provide utilization management of hospital inpatient services;

- **Eliminates Gold Standard Contract \$2.3 million total, \$610,672 General Revenue**—Reduces funding for a contractual arrangement with Gold Standard to provide wireless handheld devices to high volume practitioners. Contract due to expire June 30, 2011;
- **Eliminates Therapy Management Contract \$1 million total, \$520,000 General Revenue**—Reduces funding for a contractual arrangement with ACS Heritage, Inc. to provide services to reduce clinical risk, lower prescribed drug costs and the rate of inappropriate spending for certain Medicaid prescription drugs. Contract expired February 24, 2011; and
- **Eliminates Alternative Therapy Disease Management Program \$1.0 million total, \$438,770 General Revenue**—Reduces funding for a contractual arrangement with Alternative Medicine Integration of Florida to administer a disease management program for beneficiaries with chronic pain. The program includes such services as acupuncture, massage therapy, medication reviews, nutritional services, care management and disease education to enrolled beneficiaries. Contract set to expire November 30, 2011.

Florida Department of Elder Affairs

The 2011-12 fiscal year budget for the Florida Department of Elder Affairs totals \$758.1 million which is a \$28.7 million or 3.93 percent increase over the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- **Transfer Nursing Home Growth to Waiver Program \$23.5 million total, \$10.4 million General Revenue**—Funding to provide an additional 1,000 slots in the Nursing Home Diversion program and an additional 1,250 slots for the Aged and Disabled waiver program funded by a reduction in the nursing home line item;
- **Local Service/Home Care and Community Care for the Elderly \$12.1 million General Revenue**—Full restoration of community-based services for elders such as the Local Services Program and Alzheimer’s Disease Projects with recurring funds; and
- **Program of All Inclusive Care for the Elderly (PACE) \$2.7 million total, \$1.2 million General Revenue**—Funding to support the Program of All-inclusive Care for the Elderly (PACE) by funding 150 slots in Polk, Highlands and Hardee counties, 50 slots in Lee County, and 75 additional slots in Pinellas County PACE Programs.

Department of Children and Families

The 2011-12 fiscal year budget for the Department of Children and Families totals \$2.9 billion. This represents an overall decrease of \$54.3 million or 1.84 percent from the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- **Community Mental Health Restoration of Nonrecurring Funds \$37.3 million General Revenue**—Provides \$37.3 million in recurring General Revenue to restore Community Mental Health services that were funded as nonrecurring in the 2010-11 fiscal year appropriation. Community Mental Health provides services to both children and adults. In Fiscal 2009-10, 109,400 adults and 92,262 children were provided services;
- **Substance Abuse Restoration of Nonrecurring Funds \$16.7 million in General Revenue**—Provides \$16.7 million in recurring General Revenue to restore Substance Abuse services that were funded as nonrecurring in the 2010-11 fiscal year appropriation. The Substance Abuse program provides services to both children and adults. In Fiscal 2009-10, 137,961 adults and 49,172 children were provided services;

- **Mental Health and Substance Abuse Community Projects \$15.4 million in General Revenue**— Provides \$15.4 million in nonrecurring General Revenue funding to restore Community Mental Health and Substance Abuse projects. These projects provide direct services to both children and adults;
- **Maintenance Adoption Subsidies \$15.7 million in nonrecurring Federal Grants Trust Fund**— Provides \$15.7 million of nonrecurring funding for Maintenance Adoption Subsidies for growth and to continue existing Maintenance Adoption Subsidy agreements. Maintenance Adoption Subsidies are provided for children who are adopted from foster with a maximum annual amount of \$5,000. In the 2010-2011 fiscal year approximately 27,189 children received Maintenance Adoption Subsidies;
- **Child Protection \$5.5 million**—Provides \$5.5 million of nonrecurring funding to upgrade the Florida Abuse Hotline data systems and to redesign the business process related to child protection operations;
- **Aged or Disabled Adults Home and Community Based Waiver \$36.3 million, including \$16 million in General Revenue and \$20.3 million in Trust Funds**—Provides additional funding for individuals 60 years of age or older or disabled persons age 18-59 who are in need of nursing home care who can remain at home if provided special services;
- **Homeless Veteran's Housing Assistance Grants \$12 million in General Revenue**—Provides funding to the National Veterans' Homeless Support Group to assist veterans in securing permanent housing;
- **Domestic Violence Program \$951,000, including \$307,331 in General Revenue and \$644,520 in Trust Funds**—Transfers Domestic Violence program activities and continuing certification of domestic violence shelters to the Florida Coalition Against Domestic Violence. The transfer will include \$307,331 in General Revenue for a total of \$951,000. The transfer of these functions will also result in a reduction of 9 Full Time Equivalent positions;
- **Agency Overhead Reduction \$20.3 million, including \$18.1 million in General Revenue and \$2.2 million in Trust Funds**—Reduces Department administration statewide by 273 positions and \$18.1 million in General Revenue for total reduction of \$25.6 million;
- **Eliminates the Batterer's Intervention Certification Program \$182,479**—Eliminates the Batterer's Intervention Certification program and \$64,741 in General Revenue for a total of \$182,479. The elimination of the program will also result in the reduction of 2 Full Time Equivalent positions. The Certified Batterer's Intervention programs and the fees collected for certification have been declining and have not been sufficient to support the program;
- **Mental Health Civil Commitment Reduction \$9.4 million total, including \$8.6 million in General Revenue and \$747,261 in Trust Funds**—Reduces funding to the Department's Mental Health Institutions by \$9.4 million and eliminates 222 Full Time Equivalent positions. In Fiscal Year 2009-2010, 2,780 individuals received services through the Civil Commitment program; and
- **Mental Health Forensic Commitment Reduction \$14.5 million, including \$14.4 million in General Revenue and \$93,579 in Trust Funds**—Reduces funding to the Department's Mental Health Institutions by \$14.5 million and eliminates 275 Full Time Equivalent positions. In Fiscal Year 2009-2010, 1,759 individuals were provided services under the forensic commitment program.

Agency for Persons with Disabilities

The 2011-12 fiscal year budget for the Agency for Persons with Disabilities totals \$1,014.9 million representing an overall decrease of \$955,779 or a .09 percent from the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- **Resources To Address Waiver Deficit \$54.5 million, including \$24 million in General Revenue and \$30.5 million in Trust Funds**—Provides funding to address the Medicaid Home and Community Based Services Waiver. There is projected deficit in the waiver in Fiscal Year 2010-2011 and there is a continuing deficit projected for Fiscal year 2011-2012. The funding will provide \$48.6 million in General Revenue for a total of \$110.4 million to address the deficit in Fiscal Year 2011-2012. An additional \$166.2 million including \$29.7 million in General Revenue was provided for the 2010-11 Fiscal Year deficit;
- **Provider Rate Reduction \$36.4 million, including \$16 million in General Revenue and \$20.3 million in Trust Funds**—The reduction reduces the rate for providers of services to disabled individuals who receive services through the Home and Community Base Waiver by 4 percent; and
- **Freeze to Individual Cost Plans \$6.9 million, including \$2.4 million in General Revenue and \$4.5 million in Trust Funds**—The reduction is the result of continuing the Tier Waiver individual cost plan freeze in effect on April 1, 2011, pursuant to s. 339.0661(8), F.S., from July 1, 2011, through June 30, 2012; until the agency implements an approved plan that contains costs or until all clients are transferred into the budget, whichever comes first.

Department of Health

The 2011-12 fiscal year budget for the Department of Health totals \$2.9 billion. This represents an overall decrease of \$32.5 million or 1.1 percent from the 2010-11 fiscal year appropriation including a decrease of \$78.2 million or 16.47 percent in General Revenue.

Additional Agency Budget Details

- **Restores \$8.8 million Tobacco Settlement Trust Fund**—Provides nonrecurring funds for programs that were funded in the current year with nonrecurring funds. Includes funding to programs such as Primary Care, Poison Control Centers, Services for Abused and Neglected Children, and Drugs/Vaccines/Biologicals;
- **Restores Funding for Ounce of Prevention and Early Steps programs \$5.5 million in Trust Funds**—Provides \$1.9 million in funding to the Ounce of Prevention Program which works to improve the life outcomes of children, preserve and strengthen families, and promote healthy behavior and functioning in society. Restores \$3.6 million in funding to the Early Steps Program which provides early intervention services and supports for families with infants and toddlers with disabilities to support their child's well-being, development, learning and full participation in the community;
- **Provides Nonrecurring Biomedical Research Funding \$30 million, including \$5 million in General Revenue and \$25 million in Biomedical Research Trust Funds**—Provides \$5 million in biomedical research funding to James and Esther King, \$10 million to Bankhead/Coley, \$5 million to H. Lee Moffitt, \$5 million to Sylvester Cancer Center, and \$5 million to Shands Cancer Hospital. Revises the statutory requirement to fund Biomedical Research Programs (James and Esther King; Bankhead/Coley; and H. Lee Moffitt) from the revenues collected from the state cigarette surcharge of \$1 per pack of cigarettes;
- **Provides for County Health Department Fixed Capital Outlay \$32.9 million in County Health Department Trust Funds and \$2.6 million in Planning & Evaluation Trust Funds**—Provides authority for the County Health Departments to use their funding for renovations, repairs, and

additions to their facilities. Additionally, provides authority for Department of Health laboratories to perform needed maintenance and repairs;

- **Transfer Funding for Brain & Spinal Cord Waiver**—Transfers \$3 million to the Brain & Spinal Cord Injury Program Waiver to fund 257 additional waiver slots;
- **American Recovery and Reinvestment Act of 2009 \$15.9 million in Federal Grants Trust Funds**—Provides \$4.2 million in stimulus funds related to Early Steps, \$625,000 to Immunizations, \$145,000 to Epidemiology and Laboratory Capacity, \$1.8 million to Behavioral Risk Factor Surveillance, Diabetes Prevention, and Tobacco Prevention programs, \$478,000 to Complex Patient Research, and \$8.5 million to Communities Putting Prevention to Work programs;
- **Reduces Area Health Education Centers Funding \$4.8 million in General Revenue**—Reduces funding to the Area Health Education Centers who link the provision of primary care to low-income persons with the education of medical students, interns, and residents through local centers affiliated with Florida's five medical schools. The Area Health Education Centers continue to receive \$10 million in funding for tobacco intervention services through Comprehensive Statewide Tobacco Education and Prevention Program;
- **Reduces Healthy Start Funding \$5.2 million General Revenue**—Reduces funding to Healthy Start Coalitions that are nonprofit agencies charged with the oversight of the maternal and child health system of care in their local communities. This reduction could result in 14,468 fewer clients served (\$373.22/client) or 252,573 fewer services provided (at \$21.38/service). The Healthy Start Coalitions still receive \$27.2 million in funding to perform services;
- **Reduction in Administrative Funding**—Reduces administrative expenditures by \$10.1 million and 67 Full Time Equivalent positions;
- **Children's Medical Services and County Health Departments**—Reduces non-matching General Revenue funds by \$396,000 for Children's Medical Services by \$15.8 million and 101 Full Time Equivalent positions for County Health Departments;
- **Reduces Vacant Positions**—Reduces 61 Full Time Equivalent positions and \$2.9 million in General Revenue throughout the Department; and
- **Correctional Medical Authority**—Eliminates the Correctional Medical Authority resulting in the reduction of 6 Full Time Equivalent positions and \$717,680 in General Revenue funding associated with this function.

Florida Department of Veterans Affairs

The 2011-12 fiscal year budget for the Florida Department of Veterans Affairs totals \$88.6 million representing an increase of \$7.2 million or 8.92 percent over the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- **Capital Improvement Plan \$6.6 million total**—Provides funding for maintenance, repair and replacement of fixed capital outlay across the states six State Veterans' Facilities.

HIGHER EDUCATION APPROPRIATIONS SUBCOMMITTEE

The 2011-12 Higher Education Appropriations Subcommittee overall budget totals \$6.8 billion, including tuition. A tiered approach was taken in reducing funding for postsecondary institutions; budget reductions were not made across the board. This budget represents a \$309 million or 4.3 percent

decrease from the 2010-11 fiscal year budget including a \$219.7 million or 6.34 percent decrease in General Revenue, and a \$171.5 million or 5.9 percent decrease in other trust fund budget authority over the 2010-11 appropriation. The budget does include \$82.2 million or 11.13 percent increase in the Educational Enhancement Trust Fund. The budget also includes funding for 1,302.75 Full Time Equivalent positions. The budget includes an 8 percent tuition increase authority for Workforce, Florida Colleges and State Universities. The Conference Report also level funded District Workforce Education programs. An equitable funding model was used to reallocate Technical Center Workforce Education funding based on programs and enrollment levels.

Educational Program Budgets

Vocational Rehabilitation

The 2011-12 fiscal year budget for the Vocational Rehabilitation program, located within the Department of Education, totals \$195.2 million. This represents a total decrease of \$25.2 million or 11.4 percent from the 2010-11 fiscal year appropriation including a \$7.2 million or 13.95 decrease in General Revenue funding. This budget includes a total program reduction of 55 Full Time Equivalent positions for the Injured Worker Program (to align with the Department of Financial Services transfer of Workers' Compensation Administration Trust Fund dollars), as well as a reduction of 1 Full Time Equivalent position for the Data Center consolidation.

Blind Services

The 2011-12 fiscal year budget for the Department of Education's Division of Blind Services totals \$52.7 million. This represents a total decrease of \$4.96 million or 8.6 percent from the 2010-11 fiscal year appropriation as well as a reduction of .25 of a Full Time Equivalent position for Data Center consolidation. This budget does include an increase in General Revenue of \$15,573 or 0.1 percent over the 2010-11 fiscal year appropriation.

Private Colleges & Universities

The 2011-12 fiscal year budget for Private Colleges & Universities totals \$106.9 million. This budget represents a decrease of \$7.1 million or 6.26 percent from the 2010-11 fiscal year appropriation. This budget does include an increase in General Revenue of \$28 million or 35.5 percent over 2010-11 fiscal year Appropriation due to restoration of stimulus funds.

Additional Program Budget Details

- **Access to Better Learning and Education grant program**—Provides a \$1.6 million or 40.3 percent reduction (\$104 per award);
- **Florida Resident Access Grant**—Provides a \$3.1 million or 3.7 percent reduction (\$41 per award) due to eligible student forecast;
- **Historical Black Colleges & Universities**—Provides a \$0.7 million or 7.1 percent reduction;
- **Academic Program Contracts**—Provides an increase of \$0.2 million or 35.8 percent; and
- **Nova Health Programs and Lake Erie College of Medicine**—Provides a \$0.7 million or 13.7 reduction.

Student Financial Aid

The 2011-12 fiscal year budget for Student Financial aid totals \$509.7 million. This is an overall decrease of \$88.5 million or 15.1 percent from the 2010-11 appropriation. Included in the \$509.7 million total

budget is a total state funds increase of \$3.3 million, a General Revenue decrease of \$23.9 million and a Lottery increase of \$27.2 million. The Bright Futures program was also reduced \$87.3 million or 20 percent in the 2011-12 fiscal year budget however need-based Student Financial Aid was fully funded.

Workforce Education

The 2011-12 fiscal year budget for Workforce Education totals \$534.2 million which is an overall decrease of \$8.6 million or 1.6 percent from the 2011-11 fiscal year appropriation. The budget includes a decrease in General Revenue funding of \$8.3 million or 2.4 percent, an increase in Lottery funding of \$27.8 million or 379.4 percent and a total state funding increase of \$19.5 million or 5.4 percent.

Additional Program Budget Details

- **Co-Enrolled Students**—Provides for a reduction of \$11.1 million in General Revenue by prohibiting co-enrolled high school students from being reported for funding in adult workforce programs. However, in the 2010-11 fiscal year, schools may co-enroll students for core courses for dropout prevention and credit recovery purposes, but are limited to two credits per student per year;
- **Tuition Rates**—Authorizes an 8 percent increase in tuition which generates an additional \$2.9 million in revenue. By authorizing this tuition increase, the overall reduction in funding is reduced from 2.3 to 1.6 percent; and
- **Ready to Work**—Provides \$5 million for the Ready to Work program which is a reduction of \$300,000 or 5.7 percent.

Florida College System

The 2011-12 fiscal year budget for the Florida College System totals \$1.9 billion including tuition authorization. This is an overall decrease of \$24.7 million or 1.3 percent from the 2010-11 fiscal year appropriation. The budget reflects a General Revenue decrease of \$12.8 million or 1.4 percent, an increase in Lottery funds of \$3.4 million or 2.68 percent as well as a decrease in total state funds of \$9.4 million or 0.91 percent.

Additional Program Budget Details

- **Tuition**—Authorizes an 8 percent increase in tuition which generates an additional \$67.7 million in revenue for Florida Colleges. By authorizing this tuition increase, college funding changes from a 5.6 percent reduction to an overall increase of 1.3 percent when the Florida Retirement System adjustment is excluded; and
- **Public University Partnership Incentives**—Provides \$3 million provided for 2+2 public university partnership incentives.

State University System

The 2011-12 fiscal year budget for the State University System totals \$3.5 billion which is an overall decrease of \$206.2 million or 5.7 percent from the 2010-11 fiscal year appropriation (Note: this reduction is a 3.7 percent decrease when the Florida Retirement System adjustment is excluded). The budget reflects a reduction in total state funds of \$172.8 million or 0.14 percent, a reduction in General Revenue funding of \$196.6 million or 10.16 percent and an increase in Lottery funding of \$23.8 million or 10.3 percent.

Additional Program Budget Details

- **Tuition**—Provides for a tuition revenue budget authority increase of \$33.6 million for an 8 percent base tuition increase, \$43.4 million for a 7 percent tuition differential increase, and \$34.3 million for an 8 percent graduate and professional tuition increase;
- **Reductions**—Include an average of 3.7 percent for medical schools, a \$1.3 million or 12 percent reduction to the Moffitt Cancer Center, and a \$7.1 million transfer from university student financial aid to public need-based aid;
- **Florida Agricultural and Mechanical University**—Provides \$5 million for Targeted Student Assistance Programs and \$500,000 for the Arthropod Research Laboratory;
- **University Medical Schools**—Provides a total of \$4.4 million for the ongoing establishment and initial operation of the University of Central Florida (\$2.4 million) and Florida International University (\$2.1 million) medical schools;
- **New College of Florida**—Provides \$500,000 for building academic and administrative support infrastructure at the New College of Florida;
- **Florida State University**—Provides \$500,000 for the Pepper Center Long Term Care Project; and
- **University of Central Florida**—Provides \$400,000 for the Lou Frey Institute of Politics and Government.

Board of Governors

The 2011-12 fiscal year budget for the Florida Board of Governors totals \$5.7 million which is an overall decrease of \$500,789 or 8 percent from the 2010-11 fiscal year appropriation. This budget reflects a General Revenue increase of \$1.04 million or 28.2 percent over 2010-11 fiscal year appropriation and the reduction of 1 Full Time Equivalent position.

JUSTICE APPROPRIATIONS SUBCOMMITTEE

The Justice Appropriations Subcommittee crafted a \$4.9 billion budget which is a reduction of \$233.5 million or 4.5 percent from the 2010-11 fiscal year appropriation. The budget includes \$3.4 billion in General Revenue funds, a reduction of \$194.8 million or 5.4 percent from the previous fiscal year, and \$1.5 billion in trust funds, a reduction of \$38.7 million or 2.4 percent from the previous fiscal year. The budget includes funding for 49,277 Full Time Equivalent positions.

Major Provisions

- Provides \$38.9 million of nonrecurring General Revenue funds to the State Courts to offset the deficit in the State Courts Revenue Trust Fund;
- Restores law clerks and attorneys reductions in the State Courts System that were taken in the House budget;
- Restores the 5 percent reductions to the State Attorneys and Public Defenders that were taken in the House budget;
- Provides \$3.2 million and \$1.6 million to the State Attorneys and Public Defenders respectively to address inequity issues;
- Provides \$44.2 million in nonrecurring General Revenue funds to the Clerks of the Court to offset the decline in revenue in the Clerks of the Court Trust Fund.
- In the Department of Corrections, the budget provides for the privatization of health services in regions 1, 2 and 3. The budget also includes a savings of \$12.2 million for health services efficiencies;

- Provides for the privatization of certain correctional facilities in Region 4. The budget also includes a savings of \$11 million;
- Provides no reductions to substance abuse programs;
- Reduces \$19.8 million related to operational costs in the Department of Corrections due to a decrease in the Criminal Justice Estimating Conference projections;
- Eliminates the Department of Corrections Basic Training Program (boot camp) resulting in \$2.7 million;
- There were no reductions to the PACE Center for Girls or Children/Families in Need of Services;
- Provides for a reduction of \$18 million due to fewer misdemeanant youth being committed to residential programs;
- Provides \$5.4 million in funding for electronic monitoring and community-based programs as other options for misdemeanant youth;
- Provides for a transfer of all functions of the Department of Legal Affairs Cybercrime Office to the existing cybercrime unit at the Florida Department of Law Enforcement, \$1.5 million reduction;
- Provides \$1 million in recurring General Revenue funds for the Guardian Ad Litem program funded at \$31.6 million; and
- Provides \$2.5 million to the Department of Legal Affairs to offset transfers from the trust fund.

State Agency Budgets

Department of Corrections

The 2011-12 fiscal year budget for the Department of Corrections totals \$2,277.3 million. The budget represents a decrease of \$152.6 million or 6.3 percent over the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- Provides for a reduction of \$19.8 million and 282 Full Time Equivalent positions due to a decrease in the Criminal Justice Estimating Conference projections. According to the February Criminal Justice Estimating Conference projections, the Department of Corrections was funded for a higher population than is expected in 2011-12 fiscal year;
- Provides for a reduction of \$6.5 million and 119 Full Time Equivalent positions in the Probation program. The caseload ratios would stay within statutory requirements;
- Provides for a reduction of \$63.9 million and 927 Full Time Equivalent positions due to consolidating facilities and staff, savings from closing older facilities, work camps or dorms with major maintenance issues, closing two boot camps, consolidating regional offices and maximizing available prison space;
- Provides for a reduction of \$2.9 million due to savings from salary adjustments in Executive Direction, Wardens and Assistant Wardens;
- Provides for a reduction of \$6.8 million by shortening correctional officers basic training hours;
- Provides 27 Full Time Equivalent positions and \$663,000 for work squads;
- Provides \$500,000 for chaplain services;
- Restores \$2.1 million for Private Prison operations; and
- Provides an increase of \$800,000 for substance abuse treatment.

Department of Juvenile Justice

The 2011-12 fiscal year budget for the Department of Juvenile Justice is \$535.6 million. This represents an overall decrease of 70.6 million or 11.65 percent over the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- There were no reductions to PACE Center for Girls or Children/Families in Need of Services;
- There were no reductions to Redirections;
- Provides for a reduction of \$17.8 million to Secure and Non-Secure Residential underutilized beds;
- Reduces funding for the Prodigy Program by \$2.3 million;
- Provides for a reduction of \$21.2 million for detention centers;
- Provides \$5.4 million in funding for electronic monitoring and community-based programs as other options for misdemeanor youth;
- Provides \$4.6 million in funding for Fiscally Constrained Counties in Detention; and
- Provides for a reduction of \$18 million due to fewer misdemeanor youth being committed to residential facilities.

Department of Law Enforcement

The 2011-12 fiscal year budget for the Department of Law Enforcement is \$242.4 million. This represents an overall decrease of \$7.3 million or 3 percent over the 2010-11 fiscal year appropriation. The budget provides for a reduction of 16 Full Time Equivalent positions and \$1.1 million in funding for vacant positions. The budget also reflects the transfer of the cybercrime unit from the Department of Legal Affairs to the Department of Law enforcement resulting in the inclusion of \$1.5 million and 19 Full Time Equivalent positions to the Department of Law Enforcement.

Legal Affairs/Attorney General

The 2011-12 fiscal year budget for the Department of Legal Affairs/Attorney General is \$188.7 million. This is an overall decrease of \$874,000 or 0.5 percent over the 2010-11 fiscal year appropriation.

Additional Agency Budget Details

- This budget transfers the cybercrime unit to the Department of Law Enforcement, resulting in a reduction of 19 Full Time Equivalent positions and \$1.5 million;
- Eliminates vacant positions, resulting in a reduction of \$649,000 and 12 Full Time Equivalent positions;
- Provides \$1 million in funding for civil legal assistance;
- Provides \$2.5 million in General Revenue funds to offset the decline in revenue in the trust fund; and
- Provides \$250,000 in funding for services for victims of sexual assault.

Parole Commission

The 2011-12 fiscal year budget for the Parole Commission is \$8.2 million. This represents a decrease of \$132,000 or 1.6 percent from the 2010-11 fiscal year appropriation.

State Attorneys

The 2011-12 fiscal year budget for the State Attorneys is \$406.9 million. This represents an increase of \$10.9 million or 2.8 percent from the 2010-11 fiscal year appropriation. The budget provides \$3.2 million in additional funding to address inequity issues.

Public Defenders

The 2011-12 fiscal year budget for the Public Defenders is \$198.2 million which is an increase of \$4 million or 2.1 percent over the 2010-11 fiscal year appropriation. The budget provides for a General Revenue reduction of \$650,000 from last year's budget and also provides \$1.6 million in additional funding to address inequity issues.

Public Defenders Appellate Division

The 2011-12 fiscal year budget for the Public Defenders Appellate Division is \$13.9 million. There were no reductions compared to the 2010-11 fiscal year appropriation.

Justice Administrative Commission

The 2011-12 fiscal year budget for the Justice Administrative Commission totals \$86.6 million. This is a decrease of \$396,000 from the 2010-11 fiscal year appropriation. The budget does include an increase of \$17.8 million for Criminal Conflict case fees and expenses.

Guardian Ad Litem

The 2011-12 fiscal year appropriation for the Guardian Ad Litem program totals \$31.7 million which is a \$1 million increase over the 2010-11 fiscal year appropriation.

Capital Collateral Regional Councils

The 2011-12 fiscal year budget for the Capital Collateral Regional Councils is \$7 million. This reflects a reduction of \$224,000 from the 2010-11 fiscal year appropriation.

Regional Conflict Councils

The 2011-12 fiscal year budget for the Regional Conflict Councils totals \$34.7 million. This is a decrease of \$1.7 million or 4.8 percent from the 2010-11 fiscal year appropriation.

Clerks of Court

The 2011-12 fiscal year budget for the Clerks of court totals \$447.1 million. This includes \$44.2 million to offset the decline in revenue in the clerks of the Court Trust Fund.

State Courts System

The 2011-12 fiscal year budget for the State Courts System totals \$459.2 million. This is a decrease of \$7.9 million or 1.7 percent in trust funds over the 2010-11 fiscal year appropriation.

PREK-12 APPROPRIATIONS SUBCOMMITTEE

The PreK-12 Appropriations Subcommittee overall budget totals \$12.2 billion including \$8,643.8 million in General Revenue and \$3,586.7 million in trust funds. The budget includes funding for 1,074 Full Time Equivalent positions. The budget reflects an overall decrease of \$1.7 billion or 12.47 percent from the 2010-11 fiscal year appropriation including a decrease of \$448.9 million or 4.94 percent in General

Revenue. The budget does include approximately \$200 million in General Revenue funds for stimulus flameout and an increase of \$258.5 million from the State School Trust Fund.

Educational Program Area Budgets

Voluntary Pre-kindergarten

The 2011-12 fiscal year budget for the Voluntary Pre-kindergarten totals \$384.8 million which is an overall decrease of \$20 million or 4.93 percent from the 2010-11 fiscal year appropriation. The budget does include a increase in General Revenue funding of \$52.6 million or 15.85 percent over the previous fiscal year.

Additional Program Budget Details

- Program reductions are associated with a 7 percent reduction to the Base Student Allocation. Regular School Year Base Student Allocation has been reduced from \$2,562 to \$2,383 and the Summer Term Base Student Allocation has been reduced from \$2,179 to \$2,026;
- The budget also reflects additional savings associated with the Administrative Rate reduction for Early Learning Coalitions from 4.5 percent to 4 percent; and
- The budget also reflects a reduction in Early Learning Standards and Accountability funding by \$192,000 or 50 percent from the 2010-11 fiscal year appropriation.

Florida Education Finance Program or FEFP

The 2011-12 fiscal year budget for the Florida Education Finance Program or FEFP totals \$16.6 billion. The Florida Education Finance Program budget does not include .25 millage local funds but does include .25 millage compression.

Additional Program Budget Details

- The budget includes General Revenue funding to offset the ad valorem revenue loss of \$287.6 million;
- The budget includes \$859.1 million for Florida Retirement System changes, which increases the per student funding to \$6,591.62, resulting in a reduction of \$218 or 3.21 percent per student from the 2010-11 fiscal year appropriation;
- The budget reduces School Recognition funding from \$75 to \$70 per student; and
- The budget includes \$2.93 billion for class size.

Non-Florida Education Finance Program Items

The 2011-12 fiscal year budget for non-FEFP issues totals \$212.5 million. Specific budget reductions within the non-FEFP funding category range from 1.95 percent to 100 percent. Details regarding individual budget items are below:

- The budget restores \$2.86 million in nonrecurring dollars to the Florida School for the Deaf and the Blind. This is an overall decrease of 1.65 percent;
- New programs or programs with no reductions include:
 - State Science Fair
 - Big Brothers Big Sisters of Palm Beach and Martin Counties, Inc.
 - Governor's School on Space Science and Technology
 - Knowledge is Power Program (KIPP)
- Programs with a reduction of up to 25 percent include:

- Take Stock in Children, 5 percent decrease
- Teacher and School Administrator Death Benefits, 10 percent decrease
- Regional Education Consortium Services, 10 percent decrease
- Assistance to Low Performing Schools, 11 percent decrease
- Sunlink Library Database, 15 percent decrease
- Best Buddies, 15 percent decrease
- Big Brothers Big Sisters, 15 percent decrease
- Boys and Girls Clubs, 15 percent decrease
- YMCA State Alliance, 15 percent decrease
- School District Matching Grants Program, 15 percent decrease
- Florida Association of District Superintendents Training, 15 percent decrease
- Exceptional Education, 18 percent decrease
- Learning thru Listening, 20 percent decrease
- Florida Diagnostic and Learning Resource Centers, 20 percent decrease
- Autism Program, 20 percent decrease
- Academic Tourney, 21 percent decrease
- Arts for a Complete Education, 21 percent decrease
- Project to Advance School Success, 25 percent decrease
- Programs with a reduction between 25-50 percent include:
 - Principal of the Year, 27 percent decrease
 - Teacher of the Year, 27 percent decrease
 - School Related Personnel of the Year, 27 percent decrease
 - Learning for Life, 30 percent decrease
 - Girl Scouts, 30 percent decrease
 - Teen Trendsetters, 37 percent decrease
 - Panhandle Area Education Consortium, 38 percent decrease
 - New World School of the Arts, 49 percent decrease
- Programs with a reduction between 50-100 percent include:
 - College Reach Out Program, 55 percent decrease
 - Black Male Explorers, 60 percent decrease
 - Grants to Public Schools for Reading Programs, 90 percent decrease
- Programs that were not restored or funding was eliminated include:
 - Instructional Materials Management
 - Excellent Teaching

Educational Media & Technology

The 2011-12 fiscal year budget for Educational Media and Technology totals \$8 million. This includes a reduction in funding for public radio and television stations of \$1.6 million or 17.7 percent.

Federal Grants

The 2011-12 fiscal year budget for Federal Grants totals \$2.7 billion. This includes an increase of \$5.4 million for the federal domestic security grant, an increase of \$28.3 million for the federal Partnership for Assessment of Readiness for College and Careers grant and an increase of \$196.9 million for federal Race to the Top grant.

State Board of Education

The 2011-12 fiscal year budget for the Florida State Board of Education totals \$209.6 million. This represents an overall decrease of \$5.7 million or 2.7 percent over the 2010-11 fiscal year appropriation. The budget reflects a decrease in General Revenue of \$5.5 million or 8.6 percent over the previous fiscal year appropriation as well as a reduction of 23 Full Time Equivalent positions associated with the realignment of federal budget authority, 13 Full Time Equivalent positions associated with a 5 percent reduction in funding, 10 Full Time Equivalent positions associated with stimulus funding flameout and a reduction of 8 Full Time Equivalent positions for Data Center consolidation.

TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS SUBCOMMITTEE

The Transportation & Economic Development Appropriations Subcommittee crafted a \$10.6 billion budget for the 2011-12 fiscal year including \$334 million in General Revenue and \$10.3 billion in trust funds. The total budget reflects an increase of approximately 6 percent over the previous fiscal year. The budget includes an increase of \$11 million or 6 percent in General Revenue.

Major Provisions

- The 2011-12 fiscal year allocation requires \$348 million in trust fund transfers. This largely comes from two sources: \$189.5 million from the State Housing and Local Government Housing Trust Funds and \$150 million from the State Transportation Trust Fund;
- No reductions were made to the Department of Military Affairs;
- There will be no loss of Florida Highway Patrol sworn law enforcement officers;
- \$15 million was provided for Armory needs;
- \$5 million was provided for replacement vehicles for the Florida Highway Patrol
- The budget consolidates two divisions of the Florida Department of Highway Safety & Motor Vehicles. This consolidation and the transition of providing driver license issuance services at tax collector's offices is projected to save approximately \$6.5 million over the next few years;
- The budget also transfers Motor Carrier Compliance from the Department of Transportation to the Department of Highway Safety & Motor Vehicles, achieving an initial \$1.3 million of savings in state expenditures;
- Economic Development programs are funded at \$125.3 million;
- The budget fully funds School Readiness at \$616.8 million;
- No funding was provided for Affordable Housing programs.
- The budget provides \$21.3 million for State Aid to Libraries, as well as both cultural and historic preservation grant programs. Cultural and Museum Grants received increased funding of \$2.15 million, and Historic Preservation Grants received \$1.1 million; and
- This budget fully funds the Transportation Work Program at \$6.8 billion. This funding level provides sufficient authority for the Port of Miami Dredging Project.

State Agency Budget Details

Agency for Workforce Innovation

The 2011-12 fiscal year budget for the Agency for Workforce Innovation is \$1.51 billion. This includes \$616 million to fully fund School Readiness, \$6 million to increase Quick Response Training, \$273.5

million to fully fund Regional Workforce Boards and \$3.2 million to continue the design of the Early Learning Information System also known as ELIS.

Department of Community Affairs

The 2011-12 fiscal year budget for the Department of Community affairs totals \$522.4 million. This budget includes \$2221.2 million for Community Redevelopment and Energy Assistance, \$267.6 million to fund Emergency Management programs and \$16.2 million to fund federally declared disaster matching funds.

Florida Housing Finance Corporation

The 2011-12 fiscal year budget does not include any funding for the Florida Housing Finance Corporation. The budget eliminates funding for Affordable Housing Programs and the estimated revenues from the State Housing and Local Government Housing trust funds, totaling \$189.5 million, are transferred to General Revenue.

Office of Tourism, Trade, & Economic Development

The 2011-12 fiscal year budget for the Office of Tourism, Trade, & Economic Development is \$125.3 million. This includes \$21.3 million for Economic Development Tools, \$15 million for The Road Fund, \$10 million for Space Florida, \$11.1 million for Enterprise Florida, \$34.9 million for Visit Florida and \$6 million for Military Base and Defense Industry Protection.

Department of Highway Safety & Motor Vehicles

The 2011-12 fiscal year budget for the Department of Highway Safety & Motor Vehicles totals \$410.1 million. This budget includes no reductions to sworn law enforcement and transfers Motor Carrier Compliance from the Department of Transportation to the Department of Highway Safety & Motor Vehicles. The budget reflects a reduction of \$3 million to Florida Highway Patrol overtime, the elimination of the Community Services Officer program including 22 Full Time Equivalent positions and \$0.9 million in funding, the closure of ten Florida Highway Patrol stations resulting in a reduction of \$0.7 million, the elimination of 68 vacant Full Time Equivalent positions resulting in a reduction of \$2.5 million, and the closure of ten state owned driver license offices and ten leased facility driver license offices for a total reduction of \$1.5 million. The budget also includes the transfer of \$5 million to General Revenue.

Department of Military Affairs

The 2011-12 fiscal year budget for the Department of Military Affairs totals \$81.6 million. The budget does not include any reductions. The budget reflects \$1.8 million to fully fund the National Guard Tuition Assistance program, \$1.25 million for the Forward March Program, \$0.75 million for the About Face Program, and \$15 million for Armory Revitalization.

Department of State

The 2011-12 fiscal year budget for the Department of State totals \$82.2 million. This includes \$2.2 million for Cultural Museum Grants, an increase of \$1.2 million from the previous fiscal year, \$1.1 million for Historic Preservation Grants, an increase of \$450,000 from the previous fiscal year, \$1.6 million for Special elections, an decrease of \$0.4 million from the previous fiscal year, and \$21.3 million for State Aid to Libraries, matching the previous fiscal year. The budget also includes operational reductions totaling \$1 million and 21 Full Time Equivalent positions.

Department of Transportation

The 2011-12 fiscal year budget for the Department of Transportation totals \$7.9 billion. This includes \$6.8 billion to fund the 5-Year Work Program as well as a transfer of \$150 million from the State Transportation Trust Fund to the State School Trust Fund and \$34 million for transferring Motor Carrier Compliance to the Department of Highway Safety & Motor Vehicles. The budget also includes operational reductions totaling \$44.3 million.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

SB 2002 - Implementing 2011-2012 General Appropriations Act

By: Budget

Tied Bills: None

Companion Bills: HB 5003

Committee(s) of Reference: None

Category: Budget

Keywords: Septic Tank, Citrus, Water, Trust Fund, Beaches, State Lands, Local Governments, School, Mental Health

This is the budget implementing bill which provides the statutory authority necessary to implement and execute the General Appropriations Act for the 2011-2012 fiscal year. The statutory changes are effective for only one year and either expire on July 1, 2012, or revert to the language as it existed before the changes made by the bill. The provisions of the bill are as follows:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2011-12.

Section 2 incorporates Florida Education Finance Program work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 amends s. 216.292 to authorize transfer of unused Fixed Capital Outlay appropriations from one public schools category to another.

Section 4 authorizes funds from the Workers' Compensation Administration Trust Fund to be used for the Ready to Work Program.

Section 5 authorizes a university board of trustees to expend, reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 6 amends s. 394.908, F.S. to authorize the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity.

Section 7 provides requirements to govern the completion of Phases 2 and 3 of the Department of Health's Florida Onsite Sewage Nitrogen Strategies Study and prohibits state agencies from implementing regulations with higher standards than those currently in place until Phase 2 and Phase 3 of the Department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.

Section 8 amends section 1, ch. 2007-174, Laws of Florida, to extend for one year the repeal date of language that provides the Department of Children and Families flexibility in its organizational structure.

Section 9 adopts by reference the document used to display the calculations used by the Legislature in making appropriations for the Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.

Section 10 provides authority for the Department of Health to transfer funding to the Florida Agricultural and Mechanical University for the Crestview Center through the budget amendment process.

Section 11 amends the third and tenth paragraphs of proviso in Specific Appropriation 177 of the 2011-2012 General Appropriations Act.

Section 12 amends the second paragraph of proviso relating to Specific Appropriation 182 of the 2011-2012 General Appropriations Act.

Section 13 prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, Florida Statutes, until the Department submits a plan to the Legislative Budget Commission and the plan is approved.

Section 14 provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

Section 15 amends s. 216.262, F.S. to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated General Revenue during the 2011-2012 fiscal year for the Department of Corrections if the actual inmate population of the Department exceeds the inmate population projections of the February 2011 Criminal Justice Estimating Conference by 1 percent for two consecutive months or 2 percent for any month. The additional positions and appropriations must be approved by the Legislative Budget Commission.

Section 16 authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.

Section 17 authorizes the Department of Legal Affairs to expend appropriated funds in those specific appropriations on the same programs that were funded by the Department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 18 amends s. 932.7055, F.S. to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 19 limits Department of Juvenile Justice's reimbursements for health care services to 110 percent of Medicare allowable rates.

Section 20 provides that the state court system is relieved of loan repayment obligations made from Mediation and Arbitration and Court Education Trust Fund during the 2010-11 fiscal year.

Section 21 authorizes the Chief Justice of the Supreme Court to secure a trust fund loan during the 2011-12 fiscal year.

Section 22 allows funds remaining in the Clerks of Court Trust Fund at the end of the 2010-2011 fiscal year to be available for clerks of court for fiscal year 2011-2012 expenditures rather than being transferred to the General Revenue Fund.

Section 23 amends s. 29.008, F.S. to provide that counties are exempt from the requirement to increase expenditures by 1.5 percent for court-related functions.

Section 24 amends s. 282.709, F.S. to provide that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services to fund mutual aid build out maintenance and sustainment.

Section 25 provides for a study of factors affecting costs and availability of property and casualty insurance in Florida.

Section 26 authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.

Section 27 amends s. 253.034., F.S., to provide that funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund.

Sections 28 and 29 amend s. 601.15, F.S. to limit the tax on grapefruit, tangerines and fresh oranges at the rate in effect on May 1, 2011, and provide that the tax rate on oranges in processed form shall not exceed 25 cents per box.

Section 30 and 31 provide that the Executive Director of the Citrus Commission shall serve a four-year term, except for the initial term of the Executive Director which shall end on June 30, 2011.

Section 32 amends s. 375.041, F.S. to authorize revenues from the Land Acquisition Trust Fund to be used for Total Maximum Daily Loads programs within the Department of Environmental Protection.

Section 33 amends s. 373.59, F.S. to provide for the allocation of moneys from the Water Management Lands Trust Fund to pay debt service on bonds issued before February 1, 2009, by the South Water Management District and the St. Johns Water Management District; continues to provide for \$8 million to be transferred to the General Revenue Fund; and provides the remaining funds be distributed to the Suwannee River Water Management District, of which \$500,000 may be used for minimum flows and levels.

Section 34 and 35 amend s. 403.1651, F.S. to authorize the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.

Section 36 amends s. 570.20, F.S., to extend for another year the authorization for funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to be appropriated for programs operated by the Department which are related to the programs authorized by chapter 570, F.S.

Section 37 amends s. 403.7095, F.S. to require the Department of Environmental Protection to award \$2.4 million in grants equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

Section 38 provides that the Department of Agriculture and Consumer Services, at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to chapter 2006-25, Laws of Florida (the 2006-2007 GAA), in order to provide consistency and continuity in agriculture promotion throughout the state.

Section 39 provides that the acquisition and disposition of state-owned lands are exempt from appraisal requirements if the proceeds of such conveyance will be used to purchase state-owned lands for preservation, conservation and recreation purposes. This section requires agencies to submit a list of state-owned lands to the Board of Trustees of the Internal Improvement Trust Fund that are available for lease or are surplus lands by October 1, 2011. Proceeds from the sale of such lands will be deposited into the Florida Forever Trust Fund and used to acquire state-owned lands for preservation, conservation or recreation purposes.

Section 40 amends s. 379.204, F.S. to authorize the Fish and Wildlife Conservation Commission to transfer cash balance originating from hunting and finishing license fees in other trust funds into the Federal Grants Trust Fund for the purpose of supporting cash flow.

Section 41 provides that for the 2011-2012 fiscal year, the Fish and Wildlife Conservation Commission must suspend the publication of the printed version of the Florida Wildlife Magazine and the operations of the Florida.

Section 42 amends s. 339.135(4)(a)(3), F.S. to provide Legislative intent to minimize the impacts of reduced revenues on the Department of Transportation work program.

Section 43 amends s. 339.135(5), F.S. to provide that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$15 million for the purpose of funding economic development transportation projects. This section provides that the transfer shall not reduce, delete or defer any existing projects funded, as of July 1, 2011, in the Department of Transportation's five-year work program. This section also requires the Department of Transportation to fund airport development projects specified in the General Appropriations Act.

Section 44 amends s. 339.08(1), F.S. to provide that State Transportation Trust Funds may be used to pay for administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority if jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.

Section 45 amends s. 339.08(4), F.S. to authorize the transfer of funds from the State Transportation Trust Fund may be transferred to General Revenue or the State School Trust Fund.

Section 46 provides that the ownership of all vehicles currently used by the Office of Motor Carrier Compliance shall be transferred to the Department of Highway Safety & Motor Vehicles effective July 1, 2011, without payment of any titling or registration fees.

Section 47 amends s. 445.009, F.S. to provide that a participant in an adult or youth work experience activity administered pursuant to chapter 445 shall be deemed an employee of the state for purposes of Workers' Compensation coverage. This section provides that in determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

Sections 48 and 49 reenact s. 163.3247, F.S. to carry forward the amendment made during 2010 Legislative Session which removed authorization for members of the commission to receive per diem and travel expenses while in performance of duties.

Sections 50 and 51 reenact s. 201.15, F.S. to carry forward the amendment made during 2010 Legislative Session which removed language distributing certain taxes to the Century Commission.

Section 52 amends s. 206.608, F.S. to assist the Department of Transportation in adopting a work program balanced to revenues by giving the Department the flexibility to use State Comprehensive Enhanced Transportation System Tax proceeds that are deposited into the State Transportation Trust Fund outside the district in which they were collected.

Section 53 delays the transfer of funds from the Highway Safety Operating Trust fund to the Transportation Disadvantaged Trust Fund.

Section 54 provides that funding for passenger rail for the 2011-2012 fiscal year is included in the Transportation Systems Development budget entity.

Section 55 provides that incumbent employees transferred from the Office of Motor Carrier Compliance to the Department of Highway Safety & Motor Vehicles who are exempt from career service will be placed in career service upon transfer. The section also provides legislative intent that incumbent employees will retain their current status unless otherwise provided in the General Appropriations Act.

Section 56 authorizes grants of up to \$3 million from the Toll Facilities Revolving Trust Fund for certain expressway projects.

Section 57 authorizes the Executive Office of the Governor to transfer funds in order to align the budget authority granted to pay each department's risk management insurance.

Section 58 authorizes the Executive Office of the Governor to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2011-2012 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resources management services.

Section 59 sets rates for health savings accounts at the current levels for the 2011-12 fiscal year.

Section 60 provides that the state contribution to the State Group Insurance Program will be the difference between the costs and the employee contributions.

Section 61 amends s. 112.24, F.S. to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177, F.S.

Section 62 provides that legislative salaries will remain at the same level in effect on July 1, 2010.

Section 63 and 64 provide that in the event that HB 5011 or similar legislation fails to become law, the Justice Administrative Commission will maintain the registry of attorneys qualified for appointment for capital collateral defense.

Section 65 and 66 amend s. 215.32(2)(b), F.S., in order to authorize the transfer of moneys to the General Revenue Fund or State School Trust Fund from trust funds in the 2011-2012 General Appropriations Act.

Section 67 and 68 reenact s. 215.5601, F.S. relating to investment objectives of Lawton Chiles Endowment.

Section 69 provides that, in order to implement the issuance of new debt authorized in the 2011-2012 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2011-2012 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

Section 70 provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. This section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless the agency head approves in writing and requires agency heads to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 71 provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 72 provides that state agencies that are required to begin planning for data consolidation scheduled for a subsequent fiscal year may accelerate the consolidation into the 2011-2012 fiscal year contingent upon approval by the Legislative Budget Commission.

Section 73 provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.

Section 74 and 75 amends s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the General Appropriations Act.

Section 76 requires the Department of Management Services to use the services of a tenant broker to renegotiate all private lease agreements more than 150,000 square feet and requires the Department to identify leases that do not comply with state law or the Constitution.

Section 77 requires the Department of Management Services and state agencies to seek to renegotiate private lease agreements of more than 2,000 square feet expiring before June 30, 2013.

Section 78 requires the Department of Management Services to issue a solicitation for a pharmaceutical purchasing arrangement as a state term contract.

Section 79 requires the Agency for Health Care Administration to competitively re-procure a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per-prescription basis. Discounts will be available to Florida residents without income restrictions. Revenues deposited into Grants and Donations Trust Fund to reduce cost of Medicaid pharmacy purchases.

Section 80 requires agencies to submit reports regarding purchases which could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE), but were made from another vendor.

Section 81 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 82 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 83 provides a severability clause.

Section 84 provides the effective date of the act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

SB 2094 - State Employees

By: Budget

Tied Bills: None

Companion Bills: HB 5013

Committee(s) of Reference: None

Category: Budget

Keywords: Impasse, Collective Bargaining, Union, Dues

The bill resolves the non-economic collective bargaining issues remaining at impasse between the Governor and the collective bargaining units representing state employees. The current collective bargaining units representing state employees include: Florida Nurses Association – Professional Health Care Unit; Florida State Fire Service Association – Fire Service Unit; American Federation of State, County, and Municipal Employees – Administrative and Clerical Units; Police Benevolent Association – Special Agent Unit, Security Services Unit, Law Enforcement Unit, and the Florida Highway Patrol Unit; Federation of Physicians and Dentists – Selected Exempt Services Physicians Unit, Selected Exempt Service Supervisory Non-Professional Unit, and the Selected Exempt Service Attorneys Unit; and the Federation of Public Employees – Lottery Administrative Support Unit.

In general, the only non-economic issues resolved by the Legislature are those that have not already been agreed to by the state and a collective bargaining unit. While it has not always been the case in previous years, this year's bill resolves all issues as either 'maintain status quo' or 'the state's last offer.'

The bill does not make any substantive changes to law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2096 - State Financial Information

By: Budget

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category: Budget

Keywords: Public Records, Budget, Local Governments

The bill:

- Requires charter schools and charter technical career centers to post certain financial records on the Transparency Florida website;
- Requires the Auditor General to submit a list annually of any school districts, charter schools, charter technical career centers, state colleges, state universities, and water management districts that have failed to comply with transparency requirements in law;
- Amends the exemption criteria for municipalities or special districts from a population threshold (fewer than 10,000) to a revenue threshold (less than \$10 million in annual revenues) as it was deemed more appropriate for transparency purposes;
- Requires water management districts to post financial statements on the web by September 1, 2011;
- Requires the state's Chief Financial Officer to make a contract tracking system that provides information and documentation relating to contracts procured by the state; data is to include the contracting agency, the procurement method, beginning and ending dates, cost, performance metrics, and statutory authority for the service being provided; and
- Requires agencies to update the system within 30 days of major contract changes, including new contracts, renewals, terminations, extensions or amendments.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 2098 - Consolidation/State Information Technology Services

By: Budget

Tied Bills: None

Companion Bills: HB 5017

Committee(s) of Reference: None

Category: Budget

Keywords:

The Conference Committee Amendment for SB 2098, Consolidation/State Information Technology Services, provides for the following:

- Clarifies the required components of the Agency for Enterprise Information Technology's annual work plan that is submitted to the Governor and Legislature;
- Clarifies the duties of the Agency for Enterprise Information Technology pertaining to the state data center system, to include the promulgation of rules relating to its operation and its compliance to required standards;
- Establishes in statute the agency schedule for data center consolidation, identifies the requirements for the development and submission of appropriate transition plans, provides for the execution of new or updated service level agreements, and establishes agency limitations pertaining to agency data center and email services;
- Provides that the approval to transition to a statewide email service is contingent on approval by the Legislative Budget Commission. If such approval is granted, requires the Agency for Enterprise Information Technology to submit status report on the progress of the transition until all state agencies have migrated to the statewide email service;
- Eliminates the Agency Chief Information Officers Council;
- Eliminates the requirement that agency heads must hire an agency chief information officer; and
- Requires a type 1 transfer of the Northwood Shared Resource Center to the Department of Management Services.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 2104 - Governmental Reorganization

By: Budget

Tied Bills: None

Companion Bills: HB 5015

Committee(s) of Reference: None

Category: Budget

Keywords: Drugs

This bill eliminates the Office of Drug Control within the Executive Office of the Governor. The bill makes necessary conforming changes to Florida Statute to implement the repeal of the Office of Drug Control. The Statewide Office of Suicide Prevention is moved to the Department of Children and Family Services and receives ODC's suicide-related functions. The Office of Drug Control's roles on various task forces, work groups and councils are eliminated or assigned to other entities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2110 - Auditor General

By: Budget

Tied Bills: None

Companion Bills: HB 5009

Committee(s) of Reference: None

Category: Budget

Keywords:

The bill modifies statutory requirements relating to the frequency of certain operational and financial audits conducted by the Auditor General. The bill requires an audit every three years of water management district and authorizes audits of virtual education providers receiving state funds or funds from local *ad valorem* taxes. The bill requires the Auditor General to submit an annual report which includes a projected two-year work plan.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 5011 - Commission on Capital Cases
By: Appropriations Committee; Grimsley
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: None
Category: Budget
Keywords: Death Penalty

The bill repeals s. 27.709, F.S., which establishes the Commission on Capital Cases, a legislative commission housed within the Office of Legislative Services. The bill requires that the Justice Administrative Commission, rather than the Commission on Capital Cases, maintain the registry of private attorneys who are eligible to be appointed to represent indigent capital defendants.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

Agriculture & Natural Resources Appropriations Subcommittee

SB 1032 (ch. 2011-26, L.O.F.) - Federal Grants Trust Fund/Department of Environmental Protection

By: Budget Subcommittee on General Government Appropriations

Tied Bills: None

Companion Bills: HB 7041

Committee(s) of Reference: Budget

Category: Budget, Environmental Protection

Keywords: Budget, Trust Fund

Section 19(f), Article III of the Florida Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created.

The bill re-creates the Federal Grants Trust Fund within the Department of Environmental Protection without modification and repeals s. 20.25501(3), F.S., relating to the scheduled termination of the trust fund.

This trust fund is used for restricted grant activities supported by revenues from federal sources.

The bill became law on May 2, 2011, chapter 2011-26, Laws of Florida, and becomes effective July 1, 2011.

SB 2122 - State Government Operations

By: Budget

Tied Bills: None

Companion Bills: Includes parts of CS/HB 7209; Includes parts of CS/CS/HB 7215

Committee(s) of Reference: None

Category: Agriculture, Budget, Repeals of Existing Law, Taxes

Keywords: Citrus, Consumer Protection, State Forests

The bill makes statutory changes to conform to funding decisions included in the General Appropriations Act (GAA) for the 2011-12 fiscal year. Specifically the bill:

- Consolidates the Division of Dairy Industry within the Division of Food Safety in the Department of Agriculture and Consumer Services;
- Transfers authority for the regulation and enforcement of the State Lemon Law and the price gouging program entirely to the Department of Legal Affairs;
- Renames the Division of Forestry within the Department of Agriculture and Consumer Services as the Florida Forest Service;

- Reduces the membership of the Citrus Commission from 12 members to nine, reduces the number of citrus districts from four to three, and reassigns counties to those three districts;
- Requires that the Executive Director of the Department of Citrus be appointed by a majority vote of the commission and serve a four-year term, except for the initial term, which expires on June 30, 2011, and shall be subject to confirmation by the Senate in the legislative session following appointment;
- Imposes limits on the tax-per-box of grapefruit, oranges and tangerines. The tax on grapefruit, tangerines, and fresh oranges is capped at the rate in effect on May 1, 2011, and the tax rate on oranges in processed form is set at 25 cents per box; and
- Requires employees of the Department of Citrus to work a 5-day, 40-hour work week, except when on approved leave.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 2130 - Pollution Control

By: Budget

Tied Bills: None

Companion Bills: HB 5701

Committee(s) of Reference: None

Category: Budget, Environmental Protection

Keywords: Budget, Environment, Pollution

The bill makes statutory changes to conform to the funding decisions included in the General Appropriations Act (GAA) for the 2011-12 fiscal year.

The bill expands the Department of Environmental Protection's authorized use of service fees paid by loan recipients from only program administration to include other water quality activities specifically authorized pursuant to the Federal Water Pollution Control Act (Clean Water Act), and requires that such funds be deposited into the Federal Grants Trust Fund within the Department of Environmental Protection rather than the Grants and Donations Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2142 - Water Management Districts

By: Budget

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category: Budget, Taxes

Keywords: Property Taxes, Water Management Districts

The bill:

- Requires the Legislature to annually review the preliminary budget for each water management district and set the maximum amount of revenue a district may raise through its *ad valorem* tax;
- If the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year;
- Reduces the allowable revenue collections by the water management districts for the 2011-12 fiscal year by an estimated \$210.5 million;
- Requires each water management district to provide a monthly financial statement to its governing board and make such information available to the public through the district's website; and
- Revises provisions relating to the review of district budgets to allow the Executive Office of the Governor and the Legislative Budget Commission to disapprove, in whole or in part, the budget of each water management district.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Government Operations Appropriations Subcommittee

CS/HB 567 - Judgment Interest

By: Judiciary Committee; Hudson

Tied Bills: None

Companion Bills: CS/CS/SB 866

Committee(s) of Reference: Government Operations Appropriations Subcommittee; Judiciary Committee; Appropriations Committee

Category: Courts

Keywords: Interest Rate, Clerks of Court

The bill requires the Chief Financial Officer to adjust the statutory rate of interest payable on judgments or decrees on a quarterly basis by averaging the discount rate of the Federal Reserve Bank of New York for the preceding 12 months, then adding 400 basis points to the averaged federal discount rate.

Under current law the Chief Financial Officer is required to annually set the rate of interest that is payable on judgments. The rate is calculated by averaging the discount rate of the Federal Reserve Bank of New York for the preceding 12 months and adding 500 basis points to the averaged federal discount rate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 1030 (ch. 2011-25, L.O.F.) - Trust Funds/Department of Financial Services

By: Budget Subcommittee on General Government Appropriations

Tied Bills: None

Companion Bills: HB 7049

Committee(s) of Reference: Budget

Category: Budget

Keywords: Trust Fund

This bill provides for the termination of the State Treasury Escrow Trust Fund and the Employee Refund Clearing Trust Fund within the Department of Financial Services.

The State Treasury Escrow Trust Fund was originally used to hold escrow monies related to the transactions of state agencies and provided an account for assets held by the state in a trustee capacity as agent or fiduciary. Currently, the Treasury Cash Deposit Trust Fund is being utilized to provide this service. The Department has not used this trust fund in recent years.

The Employee Refund Clearing Trust Fund was originally used as a clearing account for the deposit of salary overpayment refunds received from state employees until the funds could be transferred back to the fund of its original purpose. The need for the Employee Refund Clearing Trust Fund was eliminated more than ten years ago as a result of the implementation of new processes for salary refunds. State agencies currently utilize the Bureau of State Payroll on-line system for processing salary refunds.

The trust funds proposed for termination do not have a cash balance or any outstanding debts and obligations.

The bill became law on May 2, 2011, chapter 2011-25, Laws of Florida, and becomes effective July 1, 2011.

SB 1034 (ch. 2011-27, L.O.F.) - Federal Grants Trust Fund/Department of Revenue

By: Budget Subcommittee on General Government Appropriations

Tied Bills: None

Companion Bills: HB 7045

Committee(s) of Reference: Budget

Category: Budget

Keywords: Trust Fund

This bill re-creates the Federal Grants Trust Fund within the Department of Revenue without modification. The trust fund was established to be used for allowable grant activities funded by restricted program revenues. Funds credited to the Federal Grants Trust Fund consist of grants and funding from the federal government, interest earnings and cash advances from other trust funds. The Department of Revenue's Federal Grants Trust Fund is utilized primarily by the Child Support Enforcement Program.

The bill became law on May 2, 2011, chapter 2011-27, Laws of Florida, and becomes effective July 1, 2011.

SB 1036 (ch. 2011-28, L.O.F.) - Operations Trust Fund/Department of Revenue

By: Budget Subcommittee on General Government Appropriations

Tied Bills: None

Companion Bills: HB 7043

Committee(s) of Reference: Budget

Category: Budget

Keywords: Trust Fund

This bill re-creates and renames the Operations Trust Fund within the Department of Revenue. This trust fund serves as a depository for funds to be used for program operations funded by program revenues. The Operations Trust Fund is renamed the Operating Trust Fund to be consistent and similarly titled as other trust funds in other agencies across state government. In addition, the name change will reflect the fund name in the legislative budgeting system.

The bill became law on May 2, 2011, chapter 2011-28, Laws of Florida, and becomes effective July 1, 2011.

SB 1038 (ch. 2011-29, L.O.F.) - Federal Grants Trust Fund/Department of Financial Services

By: Budget Subcommittee on General Government Appropriations

Tied Bills: None

Companion Bills: HB 7047

Committee(s) of Reference: Budget

Category: Budget

Keywords: Trust Fund

This bill creates the Federal Grants Trust Fund within the Department of Financial Services. The trust fund is established to provide a depository for allowable federal grant activities related to the Public Assistance Fraud Program. Funds to be credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings and cash advances from other trust funds.

The need for a Federal Grants Trust Fund in the Department of Financial Services occurred with the transfer of the Public Assistance Fraud Program from the Department of Law Enforcement as authorized in chapter 2010-141, Laws of Florida. The transfer was effective January 1, 2011. The Public Assistance Fraud Program receives federal grants from the U.S. Department of Health and Human Services as well as the U.S. Department of Agriculture. The federal grants provide annually funding of \$3,974,546 to the Public Assistance Fraud Program.

Section 19(f), Article III of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. In addition, the Florida Constitution provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2015, pursuant to s. 19 (f)(2), Article III of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

The bill became law on May 2, 2011, chapter 2011-29, Laws of Florida, and becomes effective July 1, 2011.

SB 1040 (ch. 2011-30, L.O.F.) - Florida Drug, Device, and Cosmetic Trust Fund/Department of Business and Professional Regulation

By: Budget Subcommittee on General Government Appropriations

Tied Bills: None

Companion Bills: HB 7051

Committee(s) of Reference: Budget

Category: Budget

Keywords: Trust Fund

This bill creates the Florida Drug, Device and Cosmetic Trust Fund within the Department of Business and Professional Regulation. The trust fund is established to provide for the deposit of revenues and the recording of expenditures related to the regulation and administration of the Florida Drug, Device and Cosmetic Act authorized in chapter 499, Florida Statutes.

Section 27 of chapter 210-161, Laws of Florida, transferred the administration of chapter 499, Florida Statutes, from the Department of Health to the Department of Business and Professional Regulation, effective October 1, 2011.

Section 19(f), Article III of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. In addition, the Florida Constitution provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2015, pursuant to s. 19 (f)(2), Article III of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

The bill became law on May 2, 2011, chapter 2011-30, Laws of Florida, and becomes effective July 1, 2011.

CS/CS/SB 1292 - Chief Financial Officer

By: Budget; Governmental Oversight and Accountability; Alexander

Tied Bills: None

Companion Bills: HB 977

Committee(s) of Reference: Governmental Oversight and Accountability; Budget

Category: Budget, Government in the Sunshine

Keywords:

Beginning October 1, 2011, the Chief Financial Officer will begin conducting workshops with state agencies, local governments, educational entities and entities of higher education to gather information for the development of a uniform chart of accounts.

The Chief Financial Officer will provide to the state agencies, local governments, educational entities and entities of higher education a draft chart of accounts by July 1, 2013. In addition, the Chief Financial Officer shall accept comments and input from state agencies, local governments, educational entities and entities of higher education regarding the draft chart of accounts through November 1, 2013.

By January 15, 2014, the Chief Financial Officer will present a report to the Governor, President of the Senate and the Speaker of the House of Representatives recommending a uniform chart of accounts which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities and entities of higher education. The report will include the estimated cost of adopting and implementing a uniform enterprise-wide chart of accounts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 1738 - State Financial Information

By: Governmental Oversight and Accountability; Alexander

Tied Bills: None

Companion Bills: HB 1211

Committee(s) of Reference: Governmental Oversight and Accountability; Budget

Category: Budget, Government in the Sunshine

Keywords:

This bill creates the Agency for Enterprise Business Services, which will be administratively housed in the Department of Management Services, with the Governor and Cabinet as the agency head. An agency executive director is established and appointed by the Governor and Cabinet with at least three affirmative votes and who must be confirmed by the Senate.

Specifically, the duties of the new agency include: developing an Enterprise Financial Business Services Strategic Plan; providing assistance to the Chief Financial Officer in developing recommendations for the uniform chart of accounts; serving as a clearinghouse for enterprise information relating to the planning, development, implementation and evaluation of improvements to enterprise financial business services; making recommendations to the Legislature for additional substantive changes required to implement the Enterprise Financial Business Services Strategic Plan, including the associated governance structure.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 2128 - Public Employees Relations Commission

By: Budget

Tied Bills: None

Companion Bills: HB 5601

Committee(s) of Reference: None

Category: Budget

Keywords: State Employee

This bill requires the Public Employees Relations Commission to be comprised of a chair and two part-time commissioners. The part-time members are prohibited from engaging in any other business, vocation or employment that conflicts with their duties while serving as a commissioner.

The bill conforms to the General Appropriations Act as it will result in annual cost savings of \$125,534 to the General Revenue Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2132 - Department of Financial Services

By: Budget Subcommittee on General Government Operations

Tied Bills: None

Companion Bills: HB 5605

Committee(s) of Reference: None

Category: Budget

Keywords: State Employee

The bill requires the Department of Financial Services and all state agencies and state universities with 3,000 or more employees who are provided insurance coverage from the Division of Risk Management to establish and maintain a return-to-work program for injured state workers.

The bill authorizes the Department to accept any donation, or grant of property, or moneys from certain entities for the Department's anti-fraud efforts. These funds will be used to carry out the Department's duties and responsibilities or for sub-granting funds to the state attorneys for defraying the cost of dedicated anti-fraud prosecutors.

The bill eliminates the Chief Financial Officer's authority to operate a check cashing service at the state capitol. The elimination of the check cashing service conforms to the budget as three staff positions and \$129,022 (comprising the positions and budget for the check cashing service) are reduced in the General Appropriations Act (SB 2000).

The bill also requires that all unencumbered and undisbursed funds that are transferred to other state agencies from the Workers' Compensation Administration Trust Fund for program activities to revert to the fund at the end of each year.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2136 - Federal Grants Trust Fund/Department of Business and Professional Regulation

By: Budget

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category: Budget

Keywords: Trust Fund

The bill creates the Federal Grants Trust Fund within the Department of Business and Professional Regulation. Specifically, the trust fund will allow for deposit of grants and funding from the federal government, interest earnings and cash advances from other trust funds, pursuant to s. 215.32 (2)(b), F.S.

Section 19(f), Article III of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. In addition, the Florida Constitution provides that all newly created trust funds

terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2015, pursuant to s. 19 (f)(2), Article III of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

Health Care Appropriations Subcommittee

SB 2144 - Medicaid

By: Budget

Tied Bills: None

Companion Bills: CS/HB 5311

Committee(s) of Reference: None

Category: Health, Budget

Keywords: Hospital, Medicaid, Nursing Homes, Prescription Drugs, Pharmacy

This is a conforming bill to the General Appropriations Act (GAA) for the 2011-12 fiscal year and contains various statutory revisions to conform to budget adjustments in the area of health care. The bill:

- Amends 400.23, F.S., modifying the minimum staffing requirements for nursing homes;
- Amends 408.815, F.S., modifying the requirements for the denial of an application for a license or license renewal requests; provides mitigating circumstances for consideration for any application subject to denial; and provides criteria for the extension of a license that has been denied, revoked or set to terminate;
- Amends s. 409.904, F.S., repealing the sunset date of the Medicaid Aged and Disabled (MEDS-AD) and Medically Needy programs, which is set to sunset on June 30, 2011;
- Amends s. 409.905, F.S., eliminating the requirement to implement the Hospitalist Program, a utilization management program for hospital inpatient services, in Miami-Dade and Palm Beach counties;
- Amends s. 409.908, F.S., modifying the formula for calculating the direct care subcomponent of the nursing home reimbursement; modifying the pharmacy reimbursement methodology from Wholesale Acquisition Cost (WAC) plus 4.75 percent to WAC plus 1.5 percent due to the change in the Average Wholesale Pricing structure; repealing the sunset date for the freeze on Medicaid institutional unit cost; and deleting obsolete workgroups and reporting requirements;
- Amends s. 409.9082, F.S., authorizing the allowed aggregated amount of assessments for all nursing home facilities to increase to the maximum percentage under federal law and allowing the exemption of or the application of a lower quality assessment if the qualified public nursing home facility's total annual indigent census days are greater than 20 percent of the facility's total annual census days;
- Amends s. 409.9083, F.S., repealing the sunset of the quality assessment on privately operated intermediate care facilities for the developmentally disabled;
- Amends ss. 409.911, 409.9112, 409.9113, and 409.9117, F.S., specifying the years of audited data to be used in determining Medicaid and charity care days for hospitals participating in the Disproportionate Share Hospital Program; allowing any public hospital eligible for payment on July 1, 2011, to remain eligible for the entire fiscal year; and removing a requirement that funding distribution to statutorily defined teaching hospitals be distributed in the same proportion as state fiscal year 2003-04;

- Amends s. 409.912, F.S., authorizing the development of clinically effective, evidence-based alternatives as downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services; eliminating the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; allowing electronic access to certain pharmacology drug information; modifying the pharmacy reimbursement methodology from Wholesale Acquisition Cost (WAC) plus 4.75 percent to WAC plus 1.5 percent due to the change in the Average Wholesale Pricing structure; authorizing the implementation of a no-cost program for the home delivery of pharmacy products; eliminating the requirement for the expansion of the mail-order-pharmacy diabetes-supply program; and eliminating certain specific components of the prescription drug management system program;
- Amends s. 409.9122, F.S., assigning Medicaid recipients diagnosed with HIV/AIDS residing in Broward, Miami-Dade, or Palm Beach counties to an HIV/AIDS specialty plan and authorizing the use of a managing entity in the Medipass program in all counties with fewer than two prepaid plans;
- Amends s. 636.0145, F.S., exempting any entity providing services solely to Medicaid recipients through a contract with Medicaid from payment of the premium tax required by s. 624.509, F.S., and provides that the provisions will operate prospectively;
- Creates an undesignated section of law deleting a provision that sunsets the ability of tobacco companies to deposit a limited amount of security with the Florida Supreme Court; and
- Creates an undesignated section of law authorizing the Agency for Health Care Administration to contract with a private health care organization to provide comprehensive long-term care services to frail and elderly persons residing in Palm Beach County and approving 150 initial enrollees in the Program of All-inclusive Care for the Elderly (PACE) to serve elderly persons who reside in Palm Beach County.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2146 - Department of Children and Family Services

By: Budget

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category: Budget, Social Services

Keywords: Community-based Care

This is a conforming bill to the General Appropriations Act (GAA) for the 2011-12 fiscal year and contains various statutory revisions to conform to budget adjustments in the area of health care. The bill:

- Creates s. 409.16713 (1) (a-f), F.S., establishing the allocation of funds for community-based care lead agencies and creating definitions;
- Creates s. 409.16713 (2), F.S., establishing that the equity allocation of core services funds shall be calculated based on the following weights: proportion of children in poverty, 30 percent; proportion of child abuse hotline workload, 30 percent; proportion of children in care, 30 percent; and proportion of contribution to the reduction in out-of-home care, 10 percent of the total;

- Creates s. 409.16713 (3), F.S., establishing that at the beginning of the 2011-12 fiscal year, 75 percent of the recurring core services funding for each community-based care lead agency shall be allocated based on the prior year recurring base core services funds and 25 percent shall be allocated based on the equity allocation model; and
- Creates s. 409.16713 (4), F.S., establishing in the 2011-12 fiscal year that new core services funds shall be allocated based on the equity allocation model. Such allocations shall be proportional to the proportion of funding based on the equity model and allocated only to the community-based care lead agency contracts where the current funding proportion is less than the proportion of funding based on the equity model.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 5303 - Biomedical Research

By: Health Care Appropriations Subcommittee; Hudson

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Appropriations Committee

Category: Budget, Health

Keywords: Biomedical, Cancer, Tobacco

The bill conforms statutes to the funding decisions for Biomedical Research included in the General Appropriations Act (GAA) for the 2011-12 fiscal year. The bill revises provisions of s. 216.5602(12), F.S., as follows:

- Modifies the amount of revenue from the cigarette surcharge deposited in the Health Care Trust Fund to be reserved and subsequently transferred to the Biomedical Research Trust Fund within the Department of Health from \$50 million to \$25 million beginning in the 2011-12 fiscal year;
- Decreases the amount of funding provided to the James and Esther King Biomedical Research Program from \$20 million to \$5 million subject to an annual appropriation in the General Appropriations Act;
- Decreases the amount of funding provided to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program from \$20 million to \$5 million subject to an annual appropriation in the General Appropriations Act;
- Decreases the amount of funding provided to the H. Lee Moffitt Cancer Center and Research Program from \$10 million to \$5 million subject to an annual appropriation in the General Appropriations Act;
- Provides \$5 million for the Sylvester Cancer Center at the University of Miami subject to an annual appropriation in the General Appropriations Act; and
- Provides \$5 million for the University of Florida, Shands Cancer Center subject to an annual appropriation in the General Appropriations Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 5305 - Correctional Medical Authority

By: Health Care Appropriations Subcommittee; Hudson

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Appropriations Committee

Category: Budget, Health

Keywords: Department of Corrections, Inmates, Prisons

The bill conforms statutes to the funding decisions for the Correctional Medical Authority included in the General Appropriations Act (GAA) for the 2011-12 fiscal year. The bill:

- Repeals ss. 945.601, 945.602, 945.603, 945.6031, 945.6035, and 945.6036, F.S., involving the creation, membership, powers and duties, required reports and surveys, quality management requirements, dispute resolution and enforcement of the Correctional Medical Authority;
- Amends s. 381.90, F.S., to remove the Executive Director of the Correctional Medical Authority from serving as a member of the Health Information Systems Council;
- Amends s. 766.101, F.S., to remove the reference to the Correctional Medical Authority as it relates to the term “medical review committee” or “committee”;
- Amends s. 944.8041, F.S., to remove the Correctional Medical Authority from the requirement that the Correctional Medical Authority and the Department of Corrections submit an annual report on the status and treatment of elderly offenders in state and private correctional systems;
- Amends s. 945.35, F.S., to remove the Correctional Medical Authority from the requirement for education on human immunodeficiency virus, acquired immune deficiency syndrome, and other communicable diseases;
- Amends s. 945.6032, F.S., to remove the reference to the Correctional Medical Authority as it relates to the term “medical review committee” and its records and meeting exemptions;
- Amends s. 945.6034, F.S., to remove the Correctional Medical Authority from the requirement that the Department of Corrections submit all health care standards to the Correctional Medical Authority for review prior to adoption and for the Correctional Medical Authority to determine whether they conform to the standard of care generally accepted in the professional health care community; and
- Amends s. 951.27, F.S., to remove reference to the recommendations of the Correctional Medical Authority concerning blood tests of inmates.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

Higher Education Appropriations Subcommittee

SB 2150 - Postsecondary Education Funding

By: Budget

Tied Bills: None

Companion Bills: HB 5001, HB 5201, CS/SB 654, SB 2000, SB 2120

Committee(s) of Reference: Budget

Category: Higher Education

Keywords: Admissions, Bright Futures, College, Enrollment, Financial Aid, Education, Scholarships, Student Fees, Trust Fund, Tuition, University, Workforce

The Conference Committee Amendment for SB 2150 relating to Higher Education:

- Authorizes the Department of Revenue to provide information regarding gross receipts taxes to the State Board of Education, the Division of Bond Finance and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by gross receipts tax, the State Board of Education is to disregard the effects of a 2010 nonrecurring refund;
- Expands the class size reduction lottery bond program to include other educational facilities;
- Repeals certain responsibilities of the Department of Education for monitoring rehabilitation providers and services;
- Repeals rehabilitation provider qualifications;
- Authorizes the implementation of a transient student admission application process through the Florida Academic Counseling Tracking for Students system to include admissions, readmissions, financial aid and transfer of credit functions. Authorizes a fee of \$5 to support the system;
- Designates the Northwest Regional Data Center as a primary data center;
- Requires an annual report on cost savings from collaborative licensing of electronic library resources;
- Authorizes the Florida Fund for Minority Teachers, Inc. to use other available funds for administration;
- Authorizes a spring and summer term student enrollment pilot program at the University of Florida for the purpose of aligning student enrollment and the availability of instructional facilities. Authorizes Bright Futures scholarships in the summer for these students;
- Updates the provisions related to tuition and out-of-state fees for postsecondary students in workforce, college and university programs to include 2011-2012 tuition;
- Requires a block tuition and corresponding out-of-state fee for students enrolled in adult general education courses. Removes fee exemptions for certain students and requires residency of students to be documented;
- Authorizes district school boards and college boards of trustees to use capital improvement fee revenue for the acquisition of improved real property;
- Authorizes college and school district workforce programs to charge a convenience fee for processing automated or online credit card payments;
- Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee of up to \$6 if approved by a referendum held by student government;

- Provides an exemption from the 30 percent need-based expenditure requirement from the tuition differential fee if the university has covered the entire tuition and fee costs of all need-based students;
- Authorizes alternative documentation for tuition fee waivers for Purple Heart veterans;
- Increases the Florida Medallion Scholarship test scores in 2013-2014, from 1050 to 1170 for SAT, including the applicable home school test scores. Increases or establishes required community service hours for Bright Futures applicants;
- Requires applicants for Bright Futures, Florida Resident Access Grant, and Access to Better Learning and Education programs to submit the Free Application for Federal Student Aid prior to disbursement of funds;
- Increases the tuition surcharge for excess hours to 100 percent in excess of 115 percent of the credit hours required for a degree;
- Provides that funding for student financial aid and tuition assistance programs shall be as provided in the General Appropriations Act;
- Streamlines library operations through consolidation and joint purchasing. Requires creation of a union catalog for higher education;
- Prioritizes state student financial aid to the neediest (Pell eligible) students for the Florida Work Experience Program and the First Generation in College Program;
- Prohibits funding for co-enrollment in public schools and adult general education programs, except that 2011-2012 fiscal year students may enroll in core courses for credit recovery or dropout prevention for up to two credits. High school students are exempt from the payment of block tuition for general adult education programs;
- Prohibits the use of state workforce education and Florida College funding for prison inmate education;
- Temporarily suspends the state match for facilities and operating challenge grant programs for colleges and universities, effective July 1, 2011. Existing eligible donations will remain eligible for future match. The suspension may be removed when \$200 million of the grant backlog has been matched;
- Allows a university board of trustees to expend carry-forward balances from prior year operational appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus;
- Requires the Florida College System Council of Presidents to develop and recommend an equitable funding formula for the distribution of PECO funds to the college system institutions;
- Provides for the use of a funding formula to ensure equitable distribution of district workforce funds;
- Provides a \$200,000 limit on the amount of state funds that may be paid for salaries of college and university presidents and administrative employees;
- Allows the Division of Blind Services to lease donated property;
- Terminates the University Concurrency Trust Fund;
- Provides that funds received from community events or festivals are not eligible for state match under the Dr. Philip Benjamin Matching Grant Program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided.

Justice Appropriations Subcommittee

SB 1012 (ch. 2011-16, L.O.F.) - State Attorneys Revenue Trust Fund/Justice Administrative Commission

By: Senate Budget Subcommittee on Criminal and Civil Justice Appropriations

Tied Bills: None

Companion Bills: HB 7063

Committee(s) of Reference: Budget

Category: Budget, Courts

Keywords: Trust Fund

The bill re-creates State Attorneys Revenue Trust Fund within the Justice Administrative Commission. This trust fund is used for the operational expenditures related to the State Attorneys. Monies in the trust fund consist of certain court costs for criminal convictions, worthless check diversion program fees, costs of prosecution fees, Article V funds and a portion of the assessments for all noncriminal moving and nonmoving traffic violations. The bill also repeals the provision for the scheduled termination of the trust fund.

The bill became law on May 2, 2011, chapter 2011-16, Laws of Florida, and becomes effective July 1, 2011.

SB 1014 (ch. 2011-17, L.O.F.) - Public Defenders Revenue Trust Fund/Justice Administrative Commission

By: Senate Budget Subcommittee on Criminal and Civil Justice Appropriations

Tied Bills: None

Companion Bills: HB 7065

Committee(s) of Reference: Budget

Category: Budget, Courts

Keywords: Trust Fund

The bill re-creates the Public Defenders Revenue Trust Fund within the Justice Administrative Commission. The trust fund is used for the operational expenditures related to the Public Defenders. Monies in the trust fund consist of a portion of an assessment for all noncriminal moving and nonmoving traffic violations. The bill also repeals the provision for the scheduled termination of the trust fund.

The bill became law on May 2, 2011, chapter 2011-17, Laws of Florida, and becomes effective July 1, 2011.

SB 1016 (ch. 2011-18, L.O.F.) - Indigent Civil Defense Trust Fund/Justice Administrative Commission

By: Senate Budget Subcommittee on Criminal and Civil Justice Appropriations

Tied Bills: none

Companion Bills: HB 7067

Committee(s) of Reference: Budget

Category: Budget, Courts

Keywords: Trust Fund

The bill re-creates the Indigent Civil Defense Trust Fund within the Justice Administrative Commission. The trust fund is used for the operational expenditures related to the Criminal and Civil Conflict Regional Counsels. Monies in the trust fund consist of application fees paid by individuals who obtain a court ordered attorney in a proceeding under chapter 39. The bill also repeals the provision for the scheduled termination of the trust fund.

The bill became law on May 2, 2011, chapter 2011-18, Laws of Florida, and becomes effective July 1, 2011.

SB 1018 (ch. 2011-19, L.O.F.) - State Courts Revenue Trust Fund

By: Senate Budget Subcommittee on Criminal and Civil Justice Appropriations

Tied Bills: None

Companion Bills: HB 7061

Committee(s) of Reference: Budget

Category: Budget, Courts

Keywords: Trust Fund

The bill re-creates the State Courts Revenue Trust Fund within the State Courts System. The trust fund is used for the operational expenditures related to the State Courts System. Monies in the trust fund consist of collections from service charges and filing fees in probate matters, filing fees for trial and appellate proceedings, a portion (\$5) of a \$10 assessment for all noncriminal moving and nonmoving traffic violations and from penalties imposed on certain speeding violations. The bill also repeals the provision for the scheduled termination of the trust fund.

The bill became law on May 2, 2011, chapter 2011-19, Laws of Florida, and becomes effective July 1, 2011.

SB 1020 (ch. 2011-20, L.O.F.) - Federal Grants Trust Fund/Department of Legal Affairs

By: Senate Budget Subcommittee on Criminal and Civil Justice Appropriations

Tied Bills: none

Companion Bills: HB 7073

Committee(s) of Reference: Budget

Category: Budget, Law Enforcement

Keywords: Trust Fund

The bill re-creates the Federal Grants Trust Fund within the Department of Legal Affairs. The trust fund is used as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Sources include federal grant funds, which are currently obtained directly from the Department of Justice and the Department of Health and Human Services. The bill also repeals the provision for the scheduled termination of the trust fund.

The bill became law on May 2, 2011, chapter 2011-20, Laws of Florida, and becomes effective July 1, 2011.

SB 1022 (ch. 2011-21, L.O.F.) - Operating Trust Fund/Department of Legal Affairs

By: Senate Budget Subcommittee on Criminal and Civil Justice Appropriations

Tied Bills: None

Companion Bills: HB 7071

Committee(s) of Reference: Budget

Category: Budget, Law Enforcement

Keywords: Trust Fund

The bill re-creates the Operating Trust Fund within the Department of Legal Affairs. The trust fund is used as a depository for funds to be used for program operations funded by program revenues. Sources include state funds transferred in and other transferred funds that specifically support the program activities of the Office of Statewide Prosecution and the Medicaid Fraud Control Unit. The bill also repeals the provision for the scheduled termination of the trust fund.

The bill became law on May 2, 2011, chapter 2011-21, Laws of Florida, and becomes effective July 1, 2011.

SB 1024 (ch. 2011-22, L.O.F.) - Federal Grants Trust Fund/DJJ

By: Senate Budget Subcommittee on Criminal and Civil Justice Appropriations

Tied Bills: none

Companion Bills: HB 7069

Committee(s) of Reference: Budget

Category: Budget, Corrections

Keywords: Trust Fund

The bill re-creates the Federal Grants Trust Fund within the Department of Juvenile Justice. The trust fund is used as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Monies in the trust fund consist of grants and funding from the Federal Government. The bill also repeals the provision for the scheduled termination of the trust fund.

The bill became law on May 2, 2011, chapter 2011-22, Laws of Florida, and becomes effective July 1, 2011.

SB 2112 - Juvenile Detention Facilities

By: Senate Budget

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category: Budget, Corrections

Keywords: Juvenile Justice

The bill amends s. 985.686 and 985.688, F. S., allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from the provisions of these sections of Florida Statutes if they are in compliance with specific provisions. They consist of the following:

- Counties must fund the entire cost for pre-adjudication detention for juveniles;
- Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility;
- County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association;
- Detention facilities must be inspected annually and meet the Florida Model Jail Standards;
- Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section; and
- County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates.

If counties or county sheriffs comply with the new provisions, they will not be subject to any additional training, procedures or inspections required in chapter 985, Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2114 - Juvenile Justice

By: Senate Budget

Tied Bills: None

Companion Bills: HB 5407

Committee(s) of Reference: None

Category: Budget, Corrections

Keywords: Juvenile Justice, Misdemeanor

The bill amends s. 985.441, 985.0301, 985.033, and 985.46, F.S., to prohibit a court that has jurisdiction of an adjudicated delinquent child from being committed to a residential facility for a misdemeanor offense. The bill provides that a court may commit a child for placement for a misdemeanor offense if:

- The child has previously been adjudicated for a felony offense;
- The child has been adjudicated or adjudicated withheld for three or more misdemeanor offenses;
- The child is before the court for disposition for a violation of certain offenses; or
- The judge finds evidence the child is in need of residential commitment, allowing for judicial discretion.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2116 - State Judicial System

By: Budget

Tied Bills: None

Companion Bills: None

Committee of Reference: None

Category: Budget, Courts

Keywords: Attorneys, Local Governments, Ticket

The bill:

- Authorizes the regional conflict counsels to establish a Direct Support Organization to benefit the offices and further their mission;
- Makes property title and vehicle searches for indigency determination optional by the clerk of court;
- Requires that payments for attorney fees in criminal conflict cases ordered by the court be first paid from funds appropriated to the Justice Administrative Commission. After those funds are exhausted, additional payments ordered by the court shall come from funds appropriated to the state court system;
- Requires an agreement between counties and the Statewide Guardian Ad Litem Office when counties provide staff to local Guardian Ad Litem programs; and
- Requires the Clerks of Court Operations Corporation to collect and summarize reports to the Legislature on a local surcharge on traffic tickets used to fund court facilities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2118 - Criminal Justice

By: Budget

Tied Bills: None

Companion Bills: Includes parts of CS/HB 5403

Committee of Reference: None

Category: Budget, Corrections, Law Enforcement

Keywords: Crime Lab, Inmates, Private Prisons

The bill:

- Removes permissive language making it a requirement for a judge to assess the defendant convicted of a crime the current \$100 crime lab services fee if state or county crime lab services were performed in the investigation of the crime;
- Eliminates the Department of Correction's authority to operate the Basic Training Program for youthful offenders ("boot camps"); and
- Transfers all powers, duties and responsibilities relating to the operation of private correctional facilities (Private Prison Monitoring Bureau) from the Department of Management Services to the Department of Corrections.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 5401 - Cybercrime Office

By: Justice Appropriations Subcommittee; Glorioso

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Appropriations Committee

Category: Budget, Law Enforcement

Keywords: Cybercrime

The bill conforms to the 2011-2012 General Appropriations Act by providing for a transfer of all functions of the Department of Legal Affairs Cybercrime Office to the existing cybercrime unit at the Florida Department of Law Enforcement. The bill will transfer 19 Full Time Equivalent positions and \$1.5 million in General Revenue from the Department of Legal Affairs to the Florida Department of Law Enforcement.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 5405 - Trust Funds of the State Courts System

By: Justice Appropriations Subcommittee; Glorioso

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Appropriations Committee

Category: Budget, Courts

Keywords: Trust Fund

The bill amends ss. 28.241, 34.041, 35.22, and 44.108, F.S., to redirect moneys generated from filing fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund. The monies credited to the trust fund include fees for trial and appellate proceedings, filing fees from any civil action, suit or proceeding in county court, clerk of district court filing fees, and a filing fee of \$1 on all proceedings in the circuit or county courts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

PreK-12 Appropriations Subcommittee

SB 1026 (ch. 2011-23, L.O.F.) - Operating Trust Fund/Department of Education

By: Budget Subcommittee on Education Pre-K - 12 Appropriations

Tied Bills: None

Companion Bills: HB 7053

Committee(s) of Reference: Budget

Category: Education

Keywords: K-12, Trust Fund

The bill reenacts the Operating Trust Fund, FLAIR code 48-2-510, within the Department of Education. This trust fund serves as a depository for funds to be used for program operations funded by program revenues.

Monies to be credited to the trust fund include, but are not limited to, revenues received from fees for General Equivalency Diploma (GED) testing and the leasing of available time for the state's satellite transponder resources.

This bill became law on May 2, 2011, chapter 2011-23, Laws of Florida, and becomes effective July 1, 2011.

SB 1028 (ch. 2011-24, L.O.F.) - Administrative Trust Fund/Department of Education

By: Budget Subcommittee on Education Pre-K - 12 Appropriations

Tied Bills: None

Companion Bills: HB 7055

Committee(s) of Reference: Budget

Category: Education

Keywords: K-12, Trust Fund

This bill reenacts the Administrative Trust Fund, FLAIR code 48-2-021, within the Department of Education. This trust fund serves as a depository for funds to be used for management activities that are department-wide in nature and funded by indirect cost earnings or assessments against trust funds.

Monies to be credited to the trust fund include indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees.

This bill became law on May 2, 2011, chapter 2011-24, Laws of Florida, and becomes effective July 1, 2011.

SB 2120 - K-12 Education Funding

By: Budget

Tied Bills: None

Companion Bills: None; includes part(s) of HB 5101

Committee(s) of Reference: None

Category: Education

Keywords: Charter Schools, Class Size, K-12, School Choice, Students, Virtual Learning, Voluntary Pre-K

The Conference Committee Amendment for SB 2120, relating to Prekindergarten through Grade 12 Education Funding provides for the following:

- Authorizes the Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by the gross receipts tax, the State Board of Education is to disregard the effects of a 2010 nonrecurring refund;
- Expands the class size reduction lottery bond program to include other educational facilities;
- Authorizes a regional educational consortium service organization to generate revenue to support its activities. A consortium may establish ownership of patents, copyrights, trademarks and licenses. Revenues generated must be used to support each organization's marketing and research and development activities in order to increase services to its member school districts;
- Provides that the allocation of state funds for a regional education consortium shall be determined based on funds provided in the General Appropriations Act;
- Adjusts the charter school enrollment process such that students living in a development that provides the facility and related property with an appraised value of at least \$10 million for a charter school in the development shall be entitled to 50 percent of the enrollment in the charter school;
- Provides that charter school systems may be designated as local education agencies for the purpose of receiving federal funds;
- Limits the administrative fee that school districts withhold from high performing charter schools, as defined in SB 1546, to 2 percent for up to 250 students and to 2 percent for up to 500 students for high performing charter school systems as defined in s. 1002.33(20)(a)3, F.S.;
- Clarifies prior legislation and authorizes the expenditure of PECO funds by a charter school-in-the-workplace prior to July 1, 2010;
- Increases the number of students assigned to an instructor in the school year prekindergarten program from 11 to 12, and from 18 to 20 for an instructor plus an assistant. Reduces the administrative allowance for early learning coalitions from 4.5 to 4 percent;
- Redefines the phrase "core curricula courses" for the purpose of designating classes subject to the maximum class size requirements and requires the Department of Education to maintain a list of such courses;
- Provides flexibility for school districts to implement class size requirements when additional students enroll in a school after the October survey and for students in grades 4 through 8 who take high school courses. Clarifies the use of class size reduction funds;

- Authorizes school districts to establish pilot digital instructional materials schools. Participating districts will be required to have a local instructional improvement system and rely heavily on electronic instructional materials. Pilot schools will not have to purchase the required instructional materials adoption within the first two years and will not have to purchase materials from the depository. Districts will provide a plan and report on the outcomes;
- Revises statutes related to instructional materials for public schools, including revising naming conventions, using "instructional materials" as the generic rather than "textbooks"; modifying and expanding the description and requirements for local instructional improvement systems; revising the instructional materials review process by replacing committees with three national expert reviewers; clarifying and expanding bid advertisement specifications for electronic and digital content; revising the term for instructional materials adoption from six to five years; requiring that by 2015-2016, all adopted instructional materials for K-12 students are to be in electronic or digital format and districts are to use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials on the state adopted list;
- Provides recurring flexibility, after March 1 of each year, for instructional materials funds to be used to purchase hardware for student instruction after required instructional materials purchases have been made;
- Revises the definition of adult education and provisions relating to the co-enrollment of high school students in adult education courses;
- Adjusts industry certified bonus weights based on rigor and the employment value of the certification within existing funding levels, and provides for middle school student eligibility for industry certification and bonus weights;
- Requires school districts to provide to the Department of Education by October 1, copies of contracts and amounts paid to providers of virtual instruction. Also requires districts to spend the difference between funds received for the virtual instruction program and amounts paid to providers of virtual instruction on local instructional improvement systems and electronic and digital instructional materials;
- Removes the additional Full Time Equivalent position provision for the Florida Virtual School;
- Creates a virtual education contribution categorical in the Florida Education Finance Program;
- Authorizes an inter-district transfer of Florida Education Finance Program funds when students in Department of Juvenile Justice facilities are transferred between student membership surveys;
- Allows 16 districts that passed a referendum in the 2010 general election to levy 0.25 mills for the authorized two years and eligible districts to receive state compression adjustment funds for two more years. Provides for the expiration of the authorization for school boards to levy by supermajority vote, following referendum, an additional 0.25 mills for critical operations or capital outlay;
- Defines casualty insurance for educational and ancillary facilities for purposes of school district expenditure of capital improvement millage revenues;
- Waives the equal dollar reduction penalty in the Florida Education Finance Program for school district audit findings for property and casualty insurance expenditures for the 2009-10 fiscal year and the 2010-11 fiscal year prior to January 1, 2011;
- Provides that state funding for the Merit Award Program will be discontinued after the 2011-12 payment of the 2010-11 awards;
- Provides the Department of Education with flexibility to provide Florida Knowledge Network materials and other educational services online or by other electronic media, instead of primarily through television broadcast;

- Updates and clarifies Department of Education responsibilities for the Florida Information Resource Network;
- Extends an exemption from state educational facilities requirements for the demolition and replacement of school buildings for certain school districts; and
- Adopts by reference, the alternative compliance calculation amounts to the class size reduction operating categorical allocation for the 2010-11 fiscal year.

This bill substantially amends sections 213.053, 215.61, 1001.10, 1001.25, 1001.271, 1001.28, 1001.451, 1002.33, 1002.34, 1002.45, 1002.55, 1002.63, 1002.71, 1003.01, 1003.03, 1004.02, 1006.28, 1006.281, 1006.29, 1006.30, 1006.31, 1006.32, 1006.33, 1006.34, 1006.35, 1006.36, 1006.38, 1006.39, 1006.40, 1006.43, 1011.62, 1011.685, 1011.71, 1012.225, 1013.737, creates sections 1003.4935, 1006.282, and 1011.621, and repeals section 1006.43 of the Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided.

Transportation & Economic Development Appropriations Subcommittee

SB 1042 (ch. 2011-31, L.O.F.) - Federal Grants Trust Fund/Highway Safety & Motor Vehicles

By: Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

Tied Bills: None

Companion Bills: HB 7057

Committee(s) of Reference: Budget

Category: Budget

Keywords: Trust Fund

This bill recreates the Federal Grants Trust Fund within the Department of Highway Safety & Motor Vehicles which would otherwise expire on July 1, 2012. It recreates the trust fund without modification, providing for the continuation of the current purpose and uses of the fund. This trust fund serves as a depository of grants and funding from the federal government, interest earnings and cash advances from other trust funds.

The bill became law on May 2, 2011, chapter 2011-31, Laws of Florida, and becomes effective July 1, 2011.

SB 1044 (ch. 2011-32, L.O.F.) - International Registration Clearing Trust Fund/Highway Safety & Motor Vehicles

By: Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

Tied Bills: None

Companion Bills: HB 7059

Committee(s) of Reference: Budget

Category: Budget

Keywords: Trust Fund

The bill terminates the International Registration Clearing Trust Fund within the Department of Highway Safety & Motor Vehicles and repeals the section of chapter law exempting it from termination.

The fund had served as a clearing fund (for commercial carriers registering under the International Registration Plan Cooperative for the proportional payment of commercial vehicle license fees) to receive and distribute revenues between this fund and the Motor Vehicle License Clearing Trust Fund. Accounting procedures no longer require this transaction and there are no appropriations made from this trust fund.

The bill instructs the Department to pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets and liabilities. All current balances remaining in the terminated trust fund will be transferred to the General Revenue Fund.

The bill became law on May 2, 2011, chapter, 2011-32, Laws of Florida, and becomes effective July 1, 2011.

SB 2152 - Transportation

By: Budget

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category: Budget, Transportation

Keywords:

SB 2152 contains the following provisions related to transportation:

- The bill clarifies that the Florida Department of Transportation is authorized to adjust toll rates by rule and is not subject to the legislative ratification requirement provisions of ss. 120.54(3)(b) and 120.541., F.S.;
- The bill authorizes the use of excess toll revenues from the Alligator Alley Toll Road to develop and operate a fire station at mile marker 63 on Alligator Alley to provide fire, rescue, and emergency management services to the adjacent counties along Alligator Alley;
- The bill deletes references for lease-purchase agreements and obsolete expressway authority statutes. It further repeals various sections of law relating to and authorizing lease purchase agreements between certain transportation authorities and the Florida Department of Transportation;
- The bill clarifies that an airport providing communications services within its own confines is exempt from the definition of a telecommunications company; and
- The bill directs state agencies to develop and adopt assessment protocols for evaluating damaged equipment before a request for purchase is approved.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2160 - Department of Highway Safety and Motor Vehicles

By: Budget

Tied Bills: None

Companion Bills: HB 5501

Committee(s) of Reference: None

Category: Budget, Law Enforcement, Motorists

Keywords: Highway Safety, Driver Licenses

SB 2160 provides several changes within the Department of Highway Safety & Motor Vehicles. Specifically, the bill:

- Reorganizes the Department's structure, creating the Division of Motorist Services by consolidating the Division of Driver Licenses and the Division of Motor Vehicles;
- Provides for the transfer of the Office of Motor Carrier Compliance at the Florida Department of Transportation to the Florida Highway Patrol at the Florida Department of Highway Safety & Motor Vehicles, and specifies that the Executive Office of the Governor may transfer funds and positions between agencies as approved by the Legislative Budget Commission. It creates the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol, but clarifies that motor carrier weight inspectors will remain at the Department of Transportation after the transfer of the Office of Motor Carrier Compliance;
- Provides for the outsourcing of crash records and the distribution of traffic reports online. The bill establishes the information to be listed on a crash report and eliminates the authority for a county, or counties, to establish certified traffic records centers through agreement with a state agency;
- Provides requirements for certain tax collectors to assume driver's license responsibilities of the Department of Highway Safety & Motor Vehicles by June 30, 2015;
- Specifies a revenue-sharing arrangement between the Department and tax collectors for replacement driver's license and replacement identification cards beginning July 1, 2015, or upon the completion of transitioning this service to tax collectors;
- Directs the Department to contract with third-party providers for administration of Driver's License Examinations; and
- Creates a Law Enforcement Consolidation Task Force to evaluate possible duplication of law enforcement functions throughout state government. The task force shall also study limiting the jurisdiction of the Florida Highway Patrol to the State Highway System or Florida Intrastate Highway System. The Task Force is required to submit recommendations and a plan for possible consolidation of law enforcement functions to the Legislature by December 31, 2011.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HOUSE OF REPRESENTATIVES
Economic Affairs Committee
Representative Dorothy Hukill, Chair
Representative Doug Holder, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



Business & Consumer Affairs Subcommittee
Representative Esteban Bovo, Jr., Chair (*Resigned March 25, 2011*)
Representative Kenneth Roberson, Vice Chair

Community & Military Affairs Subcommittee
Representative Ritch Workman, Chair
Representative Ed Hooper, Vice Chair

Economic Development & Tourism Subcommittee
Representative Doug Holder, Chair
Representative Lake Ray, Vice Chair

Insurance & Banking Subcommittee
Representative Bryan Nelson, Chair
Representative John Wood, Vice Chair

Transportation & Highway Safety Subcommittee
Representative Brad Drake, Chair
Representative Dennis Baxley, Vice Chair

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Economic Affairs Committee

The Economic Affairs Committee was not first reference on any bill that passed both houses of the Legislature.

Business & Consumer Affairs Subcommittee

CS/CS/CS/HB 311 - Local Business Taxes

By: Economic Affairs Committee; Finance & Tax Committee; Business & Consumer Affairs Subcommittee; Roberson; and others

Tied Bills: None

Companion Bills: CS/CS/SB 582

Committee(s) of Reference: Business and Consumer Affairs Subcommittee; Finance & Tax Committee; Economic Affairs Committee

Category: Budget, Taxes

Keywords: Business, Tax Exemption

The bill creates an exemption from local business taxes for an individual who engages in or manages a business, profession, or occupation as an employee of another person. The bill provides that the exempt employee is not required to pay a local business tax, obtain a local business tax receipt, or apply for an exemption from a local business tax.

The bill provides that the exemption created by the bill does not apply to business taxes imposed by municipalities or counties on individual employees pursuant to a resolution or ordinance adopted prior to October 13, 2010, and the local authority may continue to impose and collect the tax.

The bill removes statutory language which requires the Department of Business and Professional Regulation, by August 1 of each year, to submit to the local official who issues local business tax receipts a current list of professions the department regulates and information regarding those practitioners who should not be allowed to renew their local business tax receipt due to suspension, revocation, or inactivation of a state license, certification, or registration.

The bill expands the prohibition against local governments issuing a business tax receipt unless a practitioner exhibits confirmation of an active state certificate, registration, or license to include practitioners of professions regulated by “the Florida Supreme Court, or any other state regulatory agency,” not just the current statutory list of certain practitioners and certain state regulatory agencies.

For purposes of the application of the provisions relating to renewal of local business tax receipts, the bill specifies that a person operating as a real estate broker associate or a real estate sales associate is considered to be an employee. The bill specifies that an employee does not include an independent contractor.

The bill specifies that “independent contractor” means an entity which satisfies at least four of the six criteria listed in s. 440.02(15), F.S., the workers’ compensation statute. Additionally, the bill further specifies that if at least four of the six criteria are not met, an individual may still be presumed to be an independent contractor and not an employee based on consideration of seven specified work conditions created in the bill.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

SB 462 - Beverage Law

By: Latvala; and others

Tied Bills: None

Companion Bills: CS/HB 259

Committee(s) of Reference: Regulated Industries; Commerce and Tourism; Rules

Category: Economic Development

Keywords: Business, Regulation

The bill amends the qualification requirements for an alcoholic beverage license in s. 561.15(3), F.S., and the license application requirements in s. 561.17(1), F.S., to provide an exemption for performing arts centers from the requirement that all persons with an interest, directly or indirectly, in an alcoholic beverage license must obtain division approval. The exemption applies to the performing arts center’s volunteer officers or directors or any change of volunteer personnel.

The bill permits volunteer officers or directors of a performing arts center to continue to serve without having to be approved as part of the alcoholic beverage license application process. The bill does not affect the requirement that the performing arts center must disclose on the application the identity of volunteer officers or directors.

Since the volunteer officers and directors of a performing arts center would not be subject to division approval as a condition for a license, the division could not suspend, revoke, or refuse to issue an alcoholic beverage license based on any disqualifying criteria associated with a volunteer officer or director.

If a performing arts center changed a volunteer officer or director, the division could still require that the center identify the new officer by submitting a change of officer application to the division, but the officer would not have to submit a personal data questionnaire or be subject to fingerprinting.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/HB 849 - Building Construction and Inspection

By: Economic Affairs Committee; Rulemaking & Regulation Subcommittee; Business & Consumer Affairs Subcommittee; Davis; and others

Tied Bills: None

Companion Bills: CS/CS/SB 396

Committee(s) of Reference: Business & Consumer Affairs Subcommittee; Rulemaking & Regulation Subcommittee; Economic Affairs Committee

Category: Economic Development

Keywords: Construction, Inspection, Permits

The bill amends numerous provisions relating to the Florida Building Code and provisions relating to fire safety, construction standards, and inspection guidelines. The bill:

- Exempts rules adopting federal standards, updates, or modifications of the Florida Building Code, and updates or modifications of the Florida Fire Prevention Code, from the requirement for legislative ratification;
- Prohibits the Commission from adopting rules that limit any of the statutory exceptions or exemptions to coastal construction control and erosion projection requirements;
- Revises guidelines for the Department of Management Services to follow concerning standards for public buildings;
- Deletes references to the specified energy efficiency and sustainable materials rating standards and redefines the terms “sustainable building rating” or “national model green building code” to include the International Green Construction Code. These changes substitute references to the individual green code ratings with the term “sustainable building rating” or “national model green building code;”
- Requires hurricane mitigation training, approved by the Construction Industry Licensing Board, to be included as part of a home inspector’s continuing education;
- Allows individuals to be licensed as a home inspector, if the individual submits an application postmarked on or before July 1, 2012, removes certain qualifications for licensure, and removes certain authority to conduct investigations;
- Requires compliance with minimum separation distances for liquefied petroleum gas tanks as provided in the 2011 National Fire Protection Association standard 58;
- Specifies that a person engaging in the practice of landscape design may submit plans to government agencies for approval;
- Clarifies that Habitat for Humanity International, Inc., or its local affiliates, are exempt from contracting licensing requirements for the rehabilitation of certain family residences;
- Revises provisions relating to the Florida Americans with Disabilities Accessibility Implementation Act to incorporate the 2010 Americans with Disabilities Act Standards for Accessible Design and to conform the Florida-specific provisions to those standards;
- Requires proposed amendments to base codes to provide a specific justification for why Florida is different from other areas that have adopted the base code and specifies that changes to the foundation code are only effective until the Commission adopts the new edition every three years;
- Specifies efficiency standards for the Building Code are changed by replacing scheduled enhancements to the energy code provisions with language referring to the model code; and

- Replaces the specified energy efficiency requirements for commercial and residential pool equipment with a reference to the Florida Energy Efficiency Code for Building Construction.

The bill is not anticipated to have a significant fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/HB 883 - Public Lodging Establishments and Public Food Service Establishments

By: Economic Affairs Committee; Government Operations Appropriations Subcommittee; Business & Consumer Affairs Subcommittee; Horner

Tied Bills: None

Companion Bills: CS/HB 63; CS/CS/SB 476

Committee(s) of Reference: Business & Consumer Affairs Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Category: Economic Development, Tourism

Keywords: Food Services, Business, Regulation, Local Governments, Hotels, Restaurant

CS/CS/CS/HB 883 amends laws relating to public lodging establishments and public food service establishments, regulated by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

Generally, the bill preempts local regulation of matters relating to nutritional content and marketing and provides that the Department of Business and Professional Regulation can impose mandatory remedial training for food safety violations.

As to public lodging establishments, the bill:

- Reclassifies resort condominiums and resort dwellings as 'vacation rentals,' a newly defined class combining the two previous classes;
- Preempts new local regulations of vacation rentals based solely on classification, use, or occupancy, unless the regulations were adopted by June 1, 2011;
- Exempts nonprofit patient housing from regulation; and
- Revises the membership of the advisory council for the division.

As to handbill distribution, the bill creates the "Tourist Safety Act of 2011," which amends current law to:

- Require written permission for the distribution of handbills in public lodging and food service establishments;
- Provide that certain protected communications are not subject to the restrictions;
- Provide for fines and forfeiture for violations; and

- Permit a law enforcement officer to issue a notice to appear on probable cause of a violation.

The bill is not anticipated to have a significant fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 901 - Household Moving Services

By: Economic Affairs Committee; Horner

Tied Bills: None

Companion Bills: CS/CS/SB 296

Committee(s) of Reference: Business & Consumer Affairs Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

Category: Economic Development, Local Government

Keywords: Business, Regulation, Local Governments

CS/HB 901 extends the renewal cycle of intrastate mover registration from annual to biennial. The bill also removes requirements for movers and moving brokers to obtain local licensing and preempts any applicable local regulation not enacted before January 1, 2011. Pre-existing local registration fees must be reasonable and may not exceed the cost of administering the regulation.

The bill has no negative impact on state trust funds as a result of a staggered expiration date for the renewal period. To the extent that current local fees under local regulation enacted before January 1, 2011, are unreasonable or exceed the cost of administering the regulation, local governments could see a decrease in revenues caused by lowering those fees to be reasonable and in line with the cost of regulation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

HB 4009 - Outdoor Theaters

By: Workman

Tied Bills: None

Companion Bills: SB 1624

Committee(s) of Reference: Business & Consumer Affairs Subcommittee; Economic Affairs Committee

Category: Repeals of Existing Law, Transportation

Keywords: Regulation

HB 4009 repeals ch. 555, F.S., removing the statutory requirements concerning access to and from public roads and other requirements that specifically apply to outdoor theaters.

The bill does not have a fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 4013 - Television Picture Tubes

By: Business & Consumer Affairs Subcommittee; Eisnagle

Tied Bills: None

Companion Bills: CS/SB 1626

Committee(s) of Reference: Business & Consumer Affairs Subcommittee; Economic Affairs Committee

Category: Repeals of Existing Law

Keywords: Regulation

The bill repeals ss. 817.559 and 817.56, F.S., relating to standards applicable to labeling of television picture tubes by a manufacturer, processor, or distributor. These products would no longer be required to be labeled to indicate the new and used components and materials of each unit.

The bill does not have a fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 4023 - Sales Representative Contracts Involving Commissions

By: Plakon

Tied Bills: None

Companion Bills: SB 474

Committee(s) of Reference: Business & Consumer Affairs Subcommittee; Economic Affairs Committee

Category: Repeals of Existing Law

Keywords: Regulation

HB 4023 repeals s. 686.201, F.S., removing the statutory requirements on sales representative contracts involving commissions and the provisions relating to a private cause of action.

The bill does not have a fiscal impact on state funds.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 7209 - Consumer Services Functions of the Department of Agriculture and Consumer Services

By: Economic Affairs Committee; Business & Consumer Affairs Subcommittee; Crisafulli

Tied Bills: None

Companion Bills: includes parts of CS/HB 5007

Committee(s) of Reference: Economic Affairs Committee

Category: Agriculture

Keywords: Business, Consumer Fees, Consumer Protection, Food Services, Regulation, Rules

CS/HB 7209 conforms statutory requirements to existing practices of the Department of Agriculture and Consumer Services and federal law in the security industry, including removing a requirement that certain fees paid by Security Industry licensees be by certified check.

The bill makes the following technical changes to be consistent with current law:

- Corrects references to occupational licenses, now referred to as business tax receipts;
- Changes references in the security industry from 'repossessors' to 'recovery agents'; and
- Conforms terminology used by the Department of Agriculture and Consumer Services to that used by the Department of Revenue.

The bill also transfers duplicative authority for regulation and enforcement of the Lemon Law and Price Gouging from the Department of Agriculture and Consumer Services to the Department of Legal Affairs.

Additionally, the bill authorizes the direct sale of certain homemade foods to consumers and provides definitions and requirements for such practices.

The bill is anticipated to have an insignificant negative fiscal impact on state trust funds.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

Community & Military Affairs Subcommittee

HB 93 (ch. 2011-8, L.O.F.) - Security Cameras**By: Steube and others****Tied Bills: None****Companion Bills: SB 172****Committee(s) of Reference: Community & Military Affairs Subcommittee; Economic Affairs Committee****Category: Local Government****Keywords: County, Local Governments, Municipality**

This bill does not change current law reflected in the 2010 Florida Statutes, but simply reenacts the portions of the existing law relating to security cameras that were created by CS/CS/SB 360 during the 2009 Legislative Session, in an effort to remove uncertainty and address alleged constitutional defects stemming from ongoing litigation. The reenacted statutes prevent local governments from requiring businesses to expend funds for security cameras.

This bill became law on April 27, 2011, chapter 2011-8, Laws of Florida, and became effective upon becoming law. This bill shall operate retroactively to June 1, 2009. If such retroactive application is held by a court of last resort to be unconstitutional, this act shall apply prospectively from the date that this act became a law.

CS/SB 224 - Local Government Accountability**By: Governmental Oversight and Accountability; Dean and others****Tied Bills: None****Companion Bills: CS/HB 107****Committee(s) of Reference: Community Affairs; Governmental Oversight and Accountability; Budget****Category: Local Government, Budget, Law Enforcement, Taxes****Keywords: County, Municipality, Local Governments, Water Management Districts, School Board, Tax Collections**

The bill requires that budgets and budget amendments of each county, county constitutional officer, municipality, special district, water management district, and school district be posted on the governmental entity's website. If the local governmental entity does not have an official website, the local government must transmit the required budget information to the county or counties in which it is located or to the relevant governing authority for posting.

The bill also requires that budgets be prepared in a similar level of detail required by the annual financial reports. Within nine months of the end of the fiscal year, counties, municipalities, and special districts must file their annual financial reports with the Department of Financial Services and their annual financial audit reports with the Auditor General.

The bill amends the reporting process used by the Legislative Auditing Committee and the Department of Community Affairs to compel special districts to provide certain information.

The bill also authorizes municipalities that have a population of fewer than 100 persons to levy and collect special assessments to fund special security and crime prevention services and facilities, including guard and gatehouse facilities. If, prior to the levy of the assessment, the cost of services and facilities are funded by ad valorem taxes, the taxes must be abated annually in an amount equal to the full amount of the special assessment.

The bill removes superfluous language and corrects cross-references.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/CS/CS/HB 281 - Value Adjustment Boards

By: Finance & Tax Committee; Economic Affairs Committee; Community & Military Affairs Subcommittee; Logan and others

Tied Bills: None

Companion Bills: CS/SB 880

Committee(s) of Reference: Community & Military Affairs Subcommittee; Economic Affairs Committee; Finance & Tax Committee

Category: Local Government, Taxes

Keywords: Local Governments, County, Property Taxes

CS/CS/CS/HB 281 provides that a petitioner challenging an assessment of property for property tax purposes before a value adjustment board must make a partial payment of at least 75 percent of ad valorem taxes before those taxes become delinquent, less any applicable discount. A petitioner challenging the denial of a classification or an exemption before a value adjustment board must make a payment of the amount of tax which the taxpayer admits in good faith to owe before such taxes become delinquent, less any applicable discount. If the good faith payment made is grossly disproportionate to the amount found to be due by the board, a 10 percent per year penalty applies.

If the value adjustment board determines that the petitioner owes ad valorem taxes in excess of the amount paid, the unpaid amount accrues interest at the rate of 12 percent per year from April 1. If the board determines that the petitioner is owed a refund, the amount paid in excess of the amount due accrues interest at the rate of 12 percent per year from April 1.

The bill also eliminates current language which provides for a 4 percent discount that applies for 30 days after the mailing of a tax notice resulting from the action of a value adjustment board when the tax notice is issued after the taxes become delinquent.

If the payments required under the bill are not made, the board must deny the petition in writing by April 20.

The bill does not apply to a petitioner challenging a tax deferral denial.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, and shall apply to petitions filed with value adjustment boards on or after July 1, 2011.

SB 298 - Municipal Governing Body Meetings

By: Alexander

Tied Bills: None

Companion Bills: HB 65

Committee(s) of Reference: Community Affairs; Budget Subcommittee on General Government

Appropriations; Budget

Category: Government in the Sunshine, Local Government

Keywords: Local Governments, Municipality, Public Meetings

The Florida Constitution and Statutes require that the exercise of extra-territorial powers by a municipality be provided by general or special law. These provisions have been interpreted to prohibit a municipality's governing body from holding meetings outside its boundaries absent enactment of a law to authorize such action.

SB 298 authorizes the governing body of a municipality with a population of 500 or less to hold its meetings within five miles of its jurisdictional boundary at a time and place as may be prescribed by ordinance or resolution. An extremely small community may not have public buildings, access to other suitable structures, or a sufficient tax base to allow for the construction of a town hall. This bill would allow such municipalities to schedule official meetings in out-of-town locations.

Florida's Government in the Sunshine Law requires that the public be provided a reasonable opportunity to attend such meetings. The proposed distance of five miles does not appear to place an undue burden on citizens, particularly when viewed in the context of a large metropolitan area where one may need to travel a much greater distance in order to participate in a local government's public meetings.

Of the 412 municipalities in Florida, approximately 43 cities will be encompassed by this bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 407 - Residential Building Permits

By: Community & Military Affairs Subcommittee; Perry and others

Tied Bills: None

Companion Bills: CS/SB 580

Committee(s) of Reference: Community & Military Affairs Subcommittee; Economic Affairs Committee

Category: Local Government

Keywords: Construction, Permits, Regulation

The bill amends the Florida Building Code Act to add subsection (17) to s. 553.79, F.S., relating to the issuance of one or two-family residential building permits. The new provision prohibits a local enforcement agency, and any local building code administrator, inspector or other official or entity from requiring the inspection of any portion of a building, structure or real property that is not directly impacted by the activity for which the permit is sought.

The provision does not apply to building permits being sought for a substantial improvement, a change of occupancy, a conversion from residential to nonresidential or mixed-use, and a historic building. A local enforcing agency, local building code administrator, inspector, or other official or entity is not prohibited from:

- Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted as a condition of issuing a one or two-family residential building permit;
- Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the one or two-family residential building permit is being sought;
- Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property; and
- Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20 – 933.30, F.S.

Subsection (17) of s. 553.79, F.S., is repealed when the Secretary of State receives written certification from the chair of the Florida Building Commission that the commission has adopted an amendment to the Florida Building Code, which substantially incorporates these provisions as part of the code and the amendment has taken effect.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2012.

SB 410 - Impact Fees

By: Bennett

Tied Bills: None

Companion Bills: HB 7021

Committee(s) of Reference: Community Affairs; Judiciary; Rules

Category: Courts, Local Government

Keywords: County, Growth, Growth Management, Local Governments, Municipality

SB 410 reenacts existing law created by ch. 2009-49, L.O.F., which amended s. 163.31801, F.S., requiring that, in a challenge to an impact fee ordinance, the government that enacted the ordinance must show, by a preponderance of the evidence, that the imposition or amount of the fee meets the requirements of state legal precedent or 163.31801, F.S. The bill provides that a court may not use a deferential standard. The effect of this law is that a court may not use the "fairly debatable" standard of review when evaluating the legality of an impact fee ordinance.

Soon after ch. 2009-49, L.O.F., became law in 2009, it was the subject of litigation regarding its constitutionality. Specifically, allegations were raised that the Legislature adopted an unfunded mandate and reduced the authority of counties and municipalities to raise revenues in violation of Art. VII, s. 18(a) and 18(b) of the Florida Constitution, enacted a court rule of practice and procedure in violation of Art.

V, s. 2 of the Florida Constitution, and violated the separation of powers provision in Art. II, s. 3 of the Florida Constitution.

The bill does not create new law, but simply reenacts the subsection of law created by ch. 2009-49, L.O.F., in an effort to address alleged constitutional defects relating to Art. VII, s. 18(a) and 18(b) of the Florida Constitution.

This bill states that it fulfills an important state interest. To the extent that SB 410 is found by a court of last resort to be a mandate on counties and municipalities or to limit their ability to raise revenues, a two-thirds vote of the membership of each house of the Legislature is required to have the legislation binding on counties and municipalities, in the absence of one of the other conditions provided for in Article VII, section 18, of the Florida Constitution. The House and Senate both approved SB 410 by a two-thirds vote of its respective memberships.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, and it shall operate retroactively to July 1, 2009. If a court of last resort finds retroactive application unconstitutional, this bill is to apply prospectively from the date it became a law.

CS/HB 465 - Florida Veterans' Hall of Fame

By: Health Care Appropriations Subcommittee; Harrell and others

Tied Bills: None

Companion Bills: CS/CS/SB 520

Committee(s) of Reference: Community & Military Affairs Subcommittee; Health Care Appropriations Subcommittee; Economic Affairs Committee

Category: Military

Keywords: Veteran

CS/HB 465 creates the Florida Veterans' Hall of Fame (Hall of Fame), which is to be administered by the Department of Veterans' Affairs.

The Governor and the Cabinet will select the nominees to be inducted based on recommendations from the Department of Veterans' Affairs. Each veteran selected will have his or her name placed on a plaque in the Hall of Fame. The bill provides preferences for the Department of Veterans' Affairs to follow when recommending members to the Hall of Fame. Further, the bill authorizes the Department of Veterans' Affairs to establish selection criteria, time periods for acceptance of nominations, the process for selecting nominees, and a formal induction ceremony to coincide with the annual commemoration of Veterans' Day.

The bill directs the Department of Management Services to set aside an area for the Hall of Fame inside the Capitol Building on the Plaza Level. The Department of Management Services must consult with the Department of Veterans' Affairs regarding the design and theme of the area.

The bill states that the Hall of Fame is administered without appropriation of State funds. The Florida Veterans' Foundation, the Department of Veterans' Affairs Direct Support Organization, has indicated it will be responsible for the initial and ongoing operation and maintenance costs of the Hall of Fame.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SJR 592 - Veteran's Property Tax Discount

By: Budget; Bennett and others

Tied Bills: None

Companion Bills: CS/HJR 439

Committee(s) of Reference: Military Affairs, Space, and Domestic Security; Community Affairs;

Budget; Rules (w/d)

Category: Constitutional Amendments, Military, Taxes

Keywords: Disability, Election, Property Taxes, Tax Exemption, Veteran

CS/SJR 592 proposes an amendment to the Florida Constitution to allow disabled veterans age 65 or older who were not Florida residents at the time of entering military service to qualify for the combat-related disabled veterans' homestead property tax discount. Currently, Art. VII, s. 6 of the Florida Constitution provides for a homestead property tax discount for veterans age 65 or older who have a combat-related disability and were Florida residents at the time of entering military service.

The discount is calculated based on a percentage equal to the percentage of the veteran's permanent, service-connected disability. A veteran must apply to the county property appraiser by March 1 in order to request the discount.

The proposed amendment will be submitted to the electors at the general election in November 2012.

If approved by 60 percent of the voters, the Joint Resolution will take effect on January 1, 2013.

HB 639 - Affordable Housing

By: Aubuchon and others

Tied Bills: None

Companion Bills: SB 912

Committee(s) of Reference: Community & Military Affairs Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Category: Economic Development

Keywords: Housing, Construction, Job Creation, Elderly, Disability, Tax Collections

The bill revises statutes which govern the implementation of affordable housing programs, practices and procedures administered by the Florida Housing Finance Corporation. The bill:

- Removes the statutory limitations on the amount of documentary stamp revenue that goes into the State Housing Trust Fund and the Local Government Housing Trust Fund;
- Repeals s. 8 of ch. 2009-131, L.O.F., retroactively. This eliminates a conflicting version of s. 201.15, F.S., relating to the service charge on taxes collected, which passed concurrently with a different version during the 2009 Legislative session, consistent with statutory revision’s placement in the statute;
- Revises the state housing strategy to provide targeted assistance for persons with special needs and requires the periodic reviews and reports to include an analysis of persons with special needs;
- Creates two additional definitions to enact the newly established state housing strategies. Those new definitions are aimed to serve populations defined as suffering from a “disabling condition” and those defined as a “person with special needs”;
- Removes domicile of the developer and general contractor as criteria to be considered by the Florida Housing Finance Corporation in its scoring and competitive evaluation of applications for funding under the SAIL (State Apartment Incentive Loan) program and replaces it with developers and general contractors who demonstrate the highest rate of Florida job creation in the development and construction of affordable housing;
- Requires local government comprehensive plans to include affordable housing for seniors as a part of the plan’s housing element;
- Authorizes the Florida Housing Finance Corporation to receive federal funding for which no corresponding program has been previously created by statute and to establish selection criteria for such funds by request for proposals or other competitive solicitation;
- Provides that funds from the State Housing Trust Fund or the Local Government Housing Trust Fund that are appropriated for use in the State Apartment Incentive Loan Program, Florida Homeownership Assistance Program, Community Workforce Housing Innovation Pilot Program, or the State Housing Initiatives Partnership Program may not be used to finance or otherwise assist new construction until July 1, 2012; and
- Authorizes the affordable housing program funds to be used to assist with the purchase of newly constructed homes that were completed prior to December 31, 2010, or the acquisition and rehabilitation of apartments that received their initial certificate of occupancy prior to December 31, 1996. It also provides that the use of such funds is subject to the restrictions of the program under which the funding is made available.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 701 - Property Rights

By: Economic Affairs Committee; Community & Military Affairs Subcommittee; Eisnagle and others

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Community & Military Affairs Subcommittee; Judiciary Committee; Economic Affairs Committee

Category: Local Government

Keywords: County, Local Governments, Municipality, Property, Regulation

In 1995, the Florida Legislature enacted the Bert J. Harris, Jr., Private Property Rights Protection Act (act) to provide a new cause of action for private property owners whose property has been inordinately

burdened by a specific action of a governmental entity that may not rise to the level of a “taking” under the State or Federal Constitutions. The inordinate burden can apply to either an existing use of real property or a vested right to a specific use.

CS/CS/HB 701 amends the act to provide that a temporary impact on development, which is in effect for longer than one year may, depending on the circumstances, constitutes an “inordinate burden.”

The bill allows factual circumstances leading to the time elapsed between enactment of a law or regulation and its first application to private property to be considered when determining whether reasonable, investment-backed expectations are inordinately burdened. The bill specifies that a law or regulation is “first applied” to the property upon enactment, if the impact of the law or regulation on the property is clear and unequivocal in its terms, and required notice is provided by mail to the affected property owner or registered agent. Any other law or regulation is first applied to the property when there is a formal denial of a written request for development or variance.

The bill modifies the required time period for notice to a governmental entity before an action may be filed under the act. A property owner seeking compensation must present, at least 150 days (changed from 180 days) prior to filing an action under the act, a written claim to the head of the governmental entity and a bona fide, valid appraisal that demonstrates the loss in fair market value to the real property.

The bill changes the term “ripeness decision” to “statement of allowable uses” and modifies provisions to specifically provide that a governmental entity’s failure to issue the statement of allowable uses during the applicable notice period is deemed a denial for purposes of allowing the property owner to file an action in circuit court under the act.

The bill adds the “payment of compensation” to the list of remedies that may be offered by a governmental entity in a written settlement offer.

The bill clarifies that the State, for itself and for its agencies or political subdivisions, waives sovereign immunity for causes of action brought under the act.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011, and it applies prospectively only.

HB 767 - Local Government

By: Rooney

Tied Bills: None

Companion Bills: SB 1144

Committee(s) of Reference: Community & Military Affairs Subcommittee; Economic Affairs Committee

Category: Local Government

Keywords: County, Leases, Local Governments, Roads

This bill allows the county commission to lease county real property for less than five years without going through the competitive bidding process. The change provides greater flexibility in addressing issues that may be time sensitive. Expanding the use of temporary leases provides greater flexibility in dealing with emergencies, short-term revenue generating ventures, and replacing vendors in government buildings.

Furthermore, the bill allows government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located. This change decreases the length of time that the transfer of title process requires under current law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 1141 - Ad Valorem Tax Exemption for Deployed Servicemembers

By: Finance & Tax Committee; Community & Military Affairs Subcommittee; Steube and others

Tied Bills: None

Companion Bills: CS/CS/SB 1502

Committee(s) of Reference: Community & Military Affairs Subcommittee; Finance & Tax Committee; Economic Affairs Committee

Category: Military, Taxes

Keywords: Armed Services, Property Taxes, Rules, Soldier, Tax Exemption

CS/CS/HB 1141 implements Amendment 2 (now Art. VII, s. 3(g) of the Florida Constitution), which provides a partial ad valorem tax exemption on homestead property for Florida military personnel who are deployed outside the United States. In 2009, the Florida Legislature approved the placement of Amendment 2 on the 2010 general election ballot and on November 2, 2010, 77.82 percent of voters in Florida approved of the amendment. Its passage requires the Legislature to provide an additional homestead property tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The exempt amount is based upon the number of days in the previous calendar year that the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. Amendment 2 also provided an effective date of January 1, 2011.

The bill requires the Florida Department of Military Affairs to annually submit a report to the Legislature of all known and unclassified military operations outside the United States. The bill designates Operation

Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn as military operations that qualify a servicemember for the tax exemption for the 2010 calendar year.

The bill also requires a servicemember applying for the tax exemption to provide proof of eligibility and permits a spouse or other specified person to apply for the exemption on behalf of the deployed servicemember. It provides procedures for property appraisers to apply or deny the partial ad valorem tax exemption, and requires a person appealing a denial of the exemption to file the appeal on or before the 30th day following the mailing of the denial notice by the property appraiser.

Finally, the bill authorizes the Department of Revenue to adopt emergency rules to administer the provisions of this act.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law and first applies to ad valorem tax rolls for 2011.

HB 4031 - Local Government Services

By: Dorworth and others

Tied Bills: None

Companion Bills: SB 1942

Committee(s) of Reference: Community & Military Affairs Subcommittee; Economic Affairs Committee

Category: Local Government, Repeals of Existing Law

Keywords: Local Governments, County, Municipality

HB 4031 repeals s. 163.07, F.S., relating to efficiency and accountability in local government services. This law provided a process that allowed any county or combination of counties, and the municipalities therein, to develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services. Local governments did not require the authority provided in this law and did not elect to use the complicated procedure.

Local governments may accomplish the same results by entering into interlocal agreements pursuant to s.163.01, F.S., the "Florida Interlocal Cooperation Act of 1969." The stated purpose of that section is to enable local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities. Public agencies are thereby authorized to exercise jointly power, privilege, or authority which such agencies share in common and which each can exercise separately. This joint exercise of power is made by contract in the form of an interlocal agreement which is filed with the clerk of the circuit court of each county where a party to the agreement is located. The entire process is perceived as straightforward and flexible.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 7001 (ch. 2011-14, L.O.F.) - Growth Management

By: Community & Military Affairs Subcommittee; Workman

Tied Bills: None

Companion Bills: SB 174

Committee(s) of Reference: Economic Affairs Committee

Category: Economic Development, Local Government, Transportation

Keywords: Construction, County, Growth, Growth Management, Job Creation, Local Governments, Municipality, Permits, Property, Roads, Traffic

HB 7001 reenacts portions of existing law most closely related to comprehensive planning and land development amended by ch. 2009-96, L.O.F., also known as CS/CS/SB 360 passed by the Legislature in 2009. Soon after the law took effect, it became the subject of ongoing litigation regarding its constitutionality; specifically, regarding allegations that it violated the single subject and mandates provisions of the Florida Constitution. This litigation created uncertainty among local governments, developers, and private interests regarding the provisions of law amended by CS/CS/SB 360.

The bill does not create any new law, but simply reenacts portions of existing law most closely related to comprehensive planning and land development amended by CS/CS/SB 360 in an effort to remove uncertainty and address alleged constitutional defects relating to the single subject requirement in Art. III, s. 6 of the Florida Constitution.

In addition, in an effort to remove uncertainty and address allegations that CS/CS/SB 360 violated the mandates provision of the Florida Constitution found in Art. VII, s. 18(a), the bill reenacts provisions of existing law that were challenged in court as an unconstitutional mandate on counties and municipalities. To the extent any of those provisions are held by a court of last resort as unconstitutional, a two-thirds vote of the membership of each house is required to have the legislation binding on counties and municipalities in the absence of one of the other conditions provided for in Art. VII, s. 18 of the Florida Constitution. The House and Senate both passed HB 7001 by a two-thirds vote of its respective memberships.

The bill states that it fulfills an important state interest. The portions of existing law reenacted by this bill address several areas related to comprehensive planning and land development including:

- Urban Service Areas and Dense Urban Land Areas ;
- Transportation Concurrency;
- Developments of Regional Impact;
- Financial Feasibility Requirements;
- School Concurrency;
- Permit Extensions;
- Impact Fee Notice and Concurrent Zoning; and
- Dispute Resolution.

The bill became law on April 27, 2011, chapter 2011-14, Laws of Florida, and those portions of the bill amended or created by chapter 2009-96, Laws of Florida, are retroactive to June 1, 2009. If a court of last resort finds retroactive application unconstitutional, this bill is to apply prospectively from April 27, 2011, the date the bill became law.

HB 7003 (ch. 2011-15, L.O.F.) - Affordable Housing

By: Community & Military Affairs Subcommittee; Workman and others

Tied Bills: None

Companion Bills: SB 176

Committee(s) of Reference: Economic Affairs Committee

Category: Economic Development

Keywords: Housing, Growth Management

HB 7003 reenacts portions of existing law most closely related to affordable housing amended by chapter 2009-96, Laws of Florida, passed by the Legislature in 2009. Since that time, the law has been the subject of ongoing litigation regarding its constitutionality. This litigation has created uncertainty among local governments, developers and private interests regarding the provisions of law amended by CS/CS/SB 360. The bill does not change current law, but simply reenacts the affordable housing portions of the existing law that were amended by CS/CS/SB 360 in an effort to remove uncertainty and address alleged constitutional defects relating to the single subject requirement in Art. III, s. 6 of the Florida Constitution.

The bill reenacts statutory provisions that govern the implementation of various affordable housing practices and procedures by the Florida Housing Finance Corporation. The statutory provisions reenacted by the bill:

- Remove an exception applicable to the Florida Housing Finance Corporation for the use of the State allocation pool to provide written confirmations for private activity bonds issued by State agencies and place limitations on the Florida Housing Finance Corporation's access to the State allocation pool;
- Create s. 193.018, F.S., reducing the property tax assessment of property held by community land trusts;
- Expand the ad valorem tax exemption for affordable housing properties and provide that undeveloped property owned by an exempt entity is considered used for affordable housing, as long as the owner can document that affirmative steps are being taken to prepare the property for affordable housing;
- Permit the use of State Apartment Incentive Loans for moderate rehabilitation efforts;
- Modify the distribution of funds from the Local Government Housing Trust Fund by authorizing set asides for specific purposes;
- Revise requirements relating to local housing assistance plans;
- Reauthorize an exemption for Monroe County relating to income restrictions for persons qualified to receive assistance under a local housing assistance plan;
- Authorize counties and eligible cities to award grants using funds distributed under the local housing assistance program;
- Revise appointments to a local affordable housing advisory committee;
- Limit the power of public housing authorities in certain circumstances;
- Repeal statutory requirements relating to the distribution of excess funds remaining in the Local Government Housing Trust Fund after required distributions have been made;
- Expand the uses of the local government infrastructure tax to be used for affordable housing;
- Direct the Florida Housing Finance Corporation to develop criteria for establishing a preference for developers and general contractors domiciled in Florida;

- Expand the eligible uses of the homeless housing assistance grants to include the purchase of existing properties; and
- Allow the Florida Housing Finance Corporation to reserve up to \$5 million to fund a pool to finance loans with which local governments may purchase foreclosed properties for resale as affordable homes.

This bill became law on April 27, 2011, chapter 2011-15, Laws of Florida, and became effective April 27, 2011, and those portions of the bill amended or created by chapter 2009-96, Laws of Florida, are retroactive to June 1, 2009. If a court of last resort finds retroactive application unconstitutional, this bill is to apply prospectively from April 27, 2011, the date the bill became law.

HB 7207 – Growth Management

By: Select Committee on Government Reorganization and Aubuchon

Tied Bills: None

Companion Bills: CS/HB 7129; CS/CS/SB 1122; HB 945; SB 1440; HB 987; CS/CS/SB 1904

Committee(s) of Reference: None

Category: Budget, Economic Development, Education, Environmental Protection, Local Government, Military, Natural Resources, Repeals of Existing Law, Transportation

Keywords: Conservation, Construction, County, Environment, Flood, Growth Management, Home Rule, Job Creation, Local Government, Minerals, Municipality, Permits, Population, Property, Reform, Regulation, Roads, Rules, , Traffic, Water Management Districts

HB 7207 is a budget conforming bill containing the substance of HB 7129. The provisions of HB 7129 were placed into HB 7207 during budget conference negotiations because of the impact growth management reform had on the state budget.

GROWTH MANAGEMENT IN FLORIDA

HB 7207, designated as “The Community Planning Act”, substantially amends part II of ch. 163, F.S. This bill focuses the State’s role in the growth management process to one of protecting important State resources and facilities, and provides local governments with greater local control over planning decisions that affect the growth of their communities. This bill preserves part II of ch. 163, F.S., as the minimum standards for Florida’s comprehensive growth management system. The opportunities in current law are also preserved for public participation in the local planning process, and the broad standing for affected persons to challenge a local government’s adoption of plans and plan amendments is maintained.

CONTENTS OF A COMPREHENSIVE PLAN

This bill maintains the required comprehensive plan elements in current law but no longer mandates a public school facilities element. This bill removes many of the state specifications and requirements for optional elements in the comprehensive plan, but specifically states that a local government’s comprehensive plan may continue to include optional elements.

Rule 9J-5

This bill repeals rule 9J-5, FAC, and incorporates into the law important and relevant definitions and provisions of the rule relating to the contents of and requirements for elements within a comprehensive plan.

Capital Improvements Element

This bill requires the local government to review its capital improvements element on an annual basis. Modifications to the capital improvements schedule may be accomplished by ordinance and are not deemed to be amendments to the local comprehensive plan. This bill also removes the requirement that the capital improvements element be financially feasible. These changes are a return to the pre-2005 standard. However, this bill provides that projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5 year period must be listed and identified as either funded or unfunded and given a level of priority for funding.

Future Land Use Plan Element

This bill addresses population projections, the issue of identified need for future development and highlights the need to address outdated land uses, such as antiquated subdivisions. In addition, this bill:

- Requires the comprehensive plan to be based upon permanent and seasonal population estimates and projections. This bill requires, as a minimum standard, that the comprehensive plan must accommodate at least the amount of land required to accommodate the medium projections of the University of Florida, Bureau of Economic and Business Research for at least a 10-year planning period. However, areas of critical state concern that are limited in their population growth under s. 380.05, F.S., including related rules of the Administration Commission are not required to plan based on the medium projections of the Bureau of Economic and Business Research;
- Provides a definition of urban sprawl and incorporates, from rule 9J-5, FAC, the 13 primary indicators that a plan or plan amendment does not discourage urban sprawl. In addition, this bill adds eight indicators that a plan or plan amendment discourages urban sprawl. If a plan amendment achieves four of these eight indicators within its development pattern or urban form it will be determined to discourage the proliferation of urban sprawl; and
- Requires a local government to consider outdated subdivisions such as antiquated subdivisions when developing its future land use plan and plan amendments, but it does not require any specific action by a local government in regards to outdated subdivisions.

Other Elements

The major changes to other required elements including the Transportation Element; General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element; Conservation Element; Recreation and Open Space Element; Housing Element; Coastal Management Element; and Intergovernmental Coordination Element, involved the incorporation of rule 9J-5, FAC, provisions into the statutes and the removal of outdated and unnecessary language.

PROCESS

This bill makes the following changes to the process for review and adoption of local government comprehensive plans and plan amendments:

- Removes the twice a year limit for the adoption of any plan amendments allowing local governments to determine when and if their plans should be amended;
- Continues to require local governments to hold two public hearings on most proposed changes to its comprehensive plan;
- Streamlines the review of plans and plan amendments into one of three processes:
 - The alternative state review pilot program is renamed the *expedited state review process*, expanded to statewide application, and designed for most plan amendments;
 - The *state coordinated review process* is designed for new comprehensive plans and plan amendments that require a more comprehensive review. The state land planning agency under the state-coordinated review process issues an objections, recommendations, and comments report, notice of intent, and may broadly challenge plans and plan amendments based on whether they are in compliance; and
 - Maintains and streamlines the *small-scale amendment review process*.
- Maintains the same state, regional, and local reviewing agencies and focuses state agency review on important state resources and facilities within the agency's jurisdiction that will be adversely impacted by a proposed plan or plan amendment;
- Requires commanding officers of military installations that will be affected by a proposed plan or plan amendment to submit comments along with other reviewing agencies under the expedited and state coordinated review processes;
- Changes the standard of review to fairly debatable for challenges initiated by an affected person and removes the state land planning agency's ability to intervene in a challenge initiated by an affected person;
- Maintains the ability of parties to a challenge to enter into compliance agreements;
- Maintains the ability of an affected person or the state land planning agency, after filing a petition challenging a plan or plan amendment, to demand mediation or expeditious resolution; and
- Limits the Administration Commission's authority to impose sanctions to when the local government elects to make an amendment effective notwithstanding a determination of noncompliance or if a local government adopts a plan amendment that amends a plan that has not been finally determined to be in compliance.

CONCURRENCY

This bill maintains the state concurrency requirements for sanitary sewer, solid waste, drainage and potable water. This bill removes the state concurrency requirements for parks and recreation, schools, and transportation facilities. If concurrency is applied, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application.

This bill specifies that in order for a local government to remove any optional concurrency provisions from its comprehensive plan, an amendment is required. An amendment removing any optional concurrency is not subject to state review. Further, local governments should consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels-of-service, and the schedule of facilities that are necessary to meet the adopted level-of-service must be reflected in the capital improvements element. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the five-year period of the capital improvement schedule must be identified as either funded or unfunded.

Transportation Concurrency

This bill removes the state mandated requirement for transportation concurrency, but allows local governments the option of continuing to apply transportation concurrency locally within their jurisdictional boundaries without having to take any action. Local governments may identify transportation concurrency exception areas and may continue to utilize existing areas as an exception to locally required transportation concurrency. For local governments that choose to continue to apply transportation concurrency, this bill provides the minimum requirements and guidelines for doing so.

This bill specifically provides that if a local government wishes to remove transportation concurrency, it must adopt a comprehensive plan amendment. However, that amendment is not subject to state review.

Proportionate Fair-Share Mitigation and Proportionate Share Mitigation

This bill modifies proportionate share to clarify that when an applicant for a development permit contributes or constructs its proportionate share mitigation of impacts, a local government cannot require payment or construction of transportation facilities whose costs are greater than the development's proportionate share necessary to mitigate its transportation impacts. This bill provides a specific formula for calculating proportionate share contribution and specifies that when a development's proportionate share has been satisfied for a particular stage or phase of development, all of the transportation impacts from that stage or phase will be deemed fully mitigated in any cumulative transportation analysis for a subsequent stage or phase of development. This bill also provides that applicants are not responsible for funding "transportation backlog" or the cost of reducing or eliminating transportation deficits that existed prior to the filing of an application. Further, if an applicant is required to pay transportation impact fees in the future on the development, the local government is required to provide the applicant with a dollar-for-dollar credit on the transportation impact fees for the proportionate share already paid.

The Department of Transportation is directed to develop and submit a report by December 15, 2011, to the Senate President and House Speaker with recommendations for changes or alternatives to the proportionate share calculation.

School Concurrency

This bill removes the state requirement for school concurrency, but allows local governments the option of continuing to apply school concurrency locally without having to take any action. This bill provides the minimum requirements and guidelines for doing so. This bill specifically provides that if a local government wishes to remove school concurrency, it must adopt a comprehensive plan amendment. However, that amendment is not subject to state review.

If a county and one or more municipalities within the county have adopted school concurrency into its comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the failure of one or more municipalities within the county to adopt school concurrency and enter into the interlocal agreement does not prevent school concurrency from occurring in those jurisdictions that have opted to implement it.

PUBLIC SCHOOLS INTERLOCAL AGREEMENT

Interlocal agreements between a county, the municipalities within, and a school board are maintained in this bill in order to coordinate plans and processes of the local governments and school boards. However, this bill removes state oversight and review of the interlocal agreements while maintaining

certain minimum issues that the interlocal agreement must address. If a local government chooses to maintain optional school concurrency within its jurisdiction, this bill specifies that the interlocal agreement must also meet additional requirements.

EVALUATION AND APPRAISAL REPORT

This bill removes the state requirement for local governments to adopt an evaluation and appraisal report once every seven years along with the specific requirements regarding the preparation, adoption, submittal, and review of the evaluation and appraisal report.

This bill continues to direct each local government, at least once every seven years, to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan. The local government must notify the state land planning agency by letter as to its determination. If changes are necessary, a local government must amend its plan and transmit the amendments updating the plan to the reviewing agencies within one year. If the local government fails to submit a letter to the state land planning agency regarding its need to amend its plan or update the plan as needed, it may not adopt any new plan amendments until the necessary amendments to update its plan are adopted.

This bill provides that all local governments that are due or overdue for the submittal of its Evaluation and Appraisal Report or Evaluation and Appraisal Report-based amendments are to follow the revised provisions of s. 163.3191, F.S.

SECTOR PLANS

This bill amends s. 163.3245, F.S., to remove the pilot status of the optional sector plan program and increase the minimum acreage for a sector plan to 15,000 acres, which includes all existing approved sector plans. Sector plans continue to be prohibited in designated areas of critical State concern.

This bill specifies that the sector planning process encompass two levels:

- 1) Adoption of a long-term master plan (formerly a “conceptual long-term build out overlay”) for the entire planning area as an amendment to the local comprehensive plan adopted pursuant to the State-coordinated review process in s. 163.3184(4), F.S.; and
- 2) Adoption by a local development order of two or more detailed specific area plans that implement the long-term master plan and within which development of regional impact requirements are waived.

The two level planning process in this bill provides that a long-term master plan and a detailed specific area plan may be based upon a planning period longer than the planning period of the local comprehensive plan and are not required to demonstrate need based upon projected population growth or on any other basis.

A property owner, developer, or the state land planning agency may appeal any local government order approving a detailed specific area plan as being inconsistent with the long-term master plan or comprehensive plan by filing a petition with the Florida Land and Water Adjudicatory Commission (Governor and Cabinet) for an administrative proceeding conducted according to s. 380.07(6), F.S. An aggrieved and adversely affected party may challenge a development order in a judicial proceeding

pursuant to s. 163.3215, F.S., and the state land planning agency must dismiss its appeal to the commission and has the right to intervene in the pending judicial proceeding.

Because the sector plan pilot program was limited to five areas, this bill allows large scale plan amendments that were adopted by local governments on or before July 1, 2011, that meet the requirements for a long-term master plan, following a public hearing, to be subject to the sector plan provisions in statute notwithstanding any provision related to Developments of Regional Impact or planning agreement or plan policy to the contrary. Further, any detailed specific area plan to implement a conceptual long-term build out overlay, adopted by a local government and found in compliance before July 1, 2011, will be governed by the sector plan provisions in this bill.

RURAL LAND STEWARDSHIP AREAS

This bill creates s. 163.3248, F.S., transfers current provisions of law relating to rural land stewardship areas into the section, and makes certain modifications.

Rural land stewardship areas must be at least 10,000 acres and are to be located outside of municipalities and established urban service areas. A rural land stewardship area is not required to demonstrate need based on population or any other factor. A local government or property owner may request assistance and participation in the development of a rural land stewardship area from the state land planning agency and other State agencies, the appropriate regional planning council, private land owners, and stakeholders.

Plan amendments proposing a rural land stewardship area are subject to the State-coordinated review process in s. 163.3184(4), F.S., and each local government with jurisdiction over a rural land stewardship area must designate the area through a plan amendment. This bill specifies that the local government voting requirements for designating a receiving area within a rural land stewardship area must be by resolution with a simple majority vote.

Upon the adoption of a plan amendment creating a rural land stewardship area, the local government must pass an ordinance establishing a rural land stewardship overlay zoning district, which provides the methodology for the creation, conveyance, and use of stewardship credits.

DEVELOPMENTS OF REGIONAL IMPACT

Four-year Extension for Current Developments of Regional Impact

This bill, in recognition of the slowed economy and its effects on real estate market conditions, grants a four-year extension, in addition to any other extension granted, to all commencement, phase, build out, and expiration dates for projects that are currently valid Developments of Regional Impact. This extension is not a substantial deviation. In order to receive the four-year extension, a developer must notify the local government in writing by December 31, 2011. Associated mitigation requirements are extended for the same period unless, prior to December 1, 2011, the governmental entity notifies the developer that a contract has been entered into for construction of a facility that relies on the development's mitigation funds for that phase.

Exemptions

This bill exempts movie theaters, industrial plants, industrial parks and distribution, warehousing or wholesaling facilities, and hotel or motel development from Development of Regional Impact review. This bill also exempts from Development of Regional Impact review any proposed solid mineral mine

and any proposed addition to, expansion of, or change to an existing solid mineral mine. In order for mineral mines to be exempt from Development of Regional Impact review, the mine owner must enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities. This bill exempts projects from Development of Regional Impact review that no longer meet the criteria for review based on revisions to the statutory threshold levels. The exemption applies notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency, and notwithstanding any provision in a local government's comprehensive plan to the contrary.

Substantial Deviation Increases

This bill targets and increases the substantial deviation standards by approximately 50 percent for attraction or recreational facilities, office development and commercial development. This bill does not affect any substantial deviation standards for residential development.

Other Changes

The bill:

- Clarifies that local governments may deny a proposed change to a Development of Regional Impact based on local issues such as plat restrictions on the underlying land;
- Provides that changes in a development order resulting from the recalculation of proportionate share contribution is presumed not to create a substantial deviation and shall not be considered an additional regional transportation impact;
- Removes the requirement for the Department of Community Affairs to submit a report to the Senate President and the Speaker of the House regarding the certification of local governments; and
- Removes the "voluntary sharing of infrastructure" from factors to be considered for aggregation purposes and increases the total number of factors that must be met from two to three.

Dense Urban Land Area Exemption from Development of Regional Impact Review

This bill removes the definition of a Dense Urban Land Area from s. 163.3164(34), F.S., and incorporates the same population and density requirements from that definition into s. 380.06(29)(a), F.S., for Development of Regional Impact exemption purposes. The Office of Economic and Demographic Research continues to be required to calculate the population and density criteria to help determine which jurisdictions meet the criteria necessary to be exempt from Development of Regional Impact review. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research must determine the population density using the new jurisdictional boundaries. The Office of Economic and Demographic Research is required to submit to the state land planning agency, by July 1st of every year, a list of jurisdictions that meet the total population and density criteria. The state land planning agency must publish the list on its website within seven days of receipt.

This bill specifically changes current law by providing that:

- Any jurisdiction that was placed on the Dense Urban Land Area list before the effective date of this bill must remain on the list;
- Any county that meets the criteria must remain on the list; and

- If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency must maintain the municipality on the list and indicate the year the jurisdiction last met the criteria; however, any proposed Development of Regional Impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the Development of Regional Impact requirements until such time as the municipality as a whole meets the criteria for exemption.

This bill provides that a development located partially outside of an area that is exempt from Development of Regional Impact review must still undergo Development of Regional Impact review for the entire development. However, if the total acreage within the Development of Regional Impact exempt area exceeds 85 percent of the total acreage and square footage of the approved Development of Regional Impact, the development order may be rescinded by both local governments pursuant to s. 380.115(1), F.S., unless the portion of the development outside the exempt area meets the threshold criteria of a Development of Regional Impact.

PLANNING INNOVATIONS AND TECHNICAL ASSISTANCE

This bill creates s. 163.3168, F.S., which encourages local governments to apply innovative planning tools to address future new development areas, urban service area designations, urban growth boundaries, and mixed-use, high-density development in urban areas. Section 163.3168, F.S., requires the state land planning agency to provide direct and indirect technical assistance to help local governments find creative solutions to foster vibrant, healthy communities, while protecting the functions of important State resources and facilities. If a plan amendment may adversely impact an important State resource or facility, upon request by the local government, the state land planning agency must coordinate multi-agency assistance, if needed, to develop an amendment to minimize any adverse impacts. The state land planning agency is required to provide guidance on its website for the submission and adoption of comprehensive plans, plan amendments, and land development regulations. This guidance must not be adopted as an agency rule.

DEVELOPMENT AGREEMENTS

This bill specifies that a development agreement may not exceed 30 years unless the local government and the developer agree to an extension and a public hearing is held. This bill removes the requirement to send a copy of a recorded development agreement between a local government and a developer to the state land planning agency. This bill maintains the requirement for the local government to review land subject to a development agreement once every year, but the requirement to send a written report to the state land planning agency and all parties to the agreement for years 6-10 of a development agreement is removed. This bill also removes the state land planning agency's ability to file an action in circuit court to enforce the terms of a development agreement or to challenge compliance of the agreement with the provisions of ss. 163.3220-163.3243, F.S.

CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA

This bill repeals s. 163.3247, F.S., and abolishes the Century Commission on June 30, 2013.

COMPREHENSIVE PLAN REFERENDA

This bill prohibits a local government from adopting any initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment. This bill provides that a plan amendment adopted according to s. 163.32465, F.S., subject to voter referendum by local charter, and found in compliance prior to this bill becoming law, may be readopted

by ordinance and will become effective upon approval by the local government. Further, the readopted amendment is not subject to review or challenge pursuant to ss. 163.3184 or 163.32465, F.S.

MILITARY ISSUES

This bill amends s. 163.3175(6), F.S., to provide that local governments, when reviewing military installation comments, must be sensitive to private property rights and not be unduly restrictive on those rights. This bill further clarifies that the commanding officer's comments, underlying studies, and reports are not binding on the local government. This bill also clarifies that a local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is not required to amend its plan again to meet new statutory requirements until required to do so after its seven-year evaluation and appraisal of the comprehensive plan according to s. 163.3191, F.S.

PERMIT EXTENSIONS

This bill provides a two-year permit extension with conditions for certain permits, unless the permit has already been extended for four years based on Legislative extensions granted in 2009, 2010, and under this bill for the following:

- Any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of ch. 373, F.S., which has an expiration date from January 1, 2012, through January 1, 2014. This extension includes any local government-issued development order or building permit including certificates of levels of service and is in addition to any existing permit extension; and
- Any permit or any authorization that was extended by ch. 2009-96, s. 14, L.O.F., as reauthorized by ch. 2010-147, s. 47, L.O.F.

AMENDMENTS TO IMPLEMENT NEW STATUTORY REQUIREMENTS

This bill clarifies existing law that local governments are not required to adopt amendments to their comprehensive plan in order to implement new statutory requirements until required by the evaluation and appraisal in s. 163.3191, F.S. However, any new comprehensive plan amendments adopted must comply with the current statutory requirements.

ADAPTATION ACTION AREA

This bill defines “adaptation action area” or “adaptation area” and allows local governments to designate an area in low-lying coastal zones that experience coastal flooding as well as adopt policies and criteria to address issues related to flooding.

DEFINITION OF “URBAN SERVICE AREA”

This bill modifies the definition of “urban service area” to mean areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element. The definition also provides that the term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.

DEFINITION OF “IN COMPLIANCE”

This bill adds s. 163.3248, F.S., the newly created section dealing with rural land stewardship areas, to the definition of “in compliance.” This bill no longer requires a plan or plan amendment to be consistent

with the requirements of the state comprehensive plan and rule 9J-5, FAC, in order to be “in compliance.”

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

Economic Development & Tourism Subcommittee

CS/CS/HB 287 - Economic Development

By: Economic Affairs Committee; Finance & Tax Committee; Eisnaugle

Tied Bills: None

Companion Bills: CS/SB 506

Committee(s) of Reference: Economic Development & Tourism Subcommittee; Finance & Tax Committee; Economic Affairs Committee

Category: Economic Development, Local Government, Taxes

Keywords: Business, Growth, Job Creation, Local Governments, Tax Exemption

The Florida Constitution allows local governments to grant economic development ad valorem tax exemptions (exemptions) following voter referendums, to new or expanding businesses. The bill makes several changes by revising the definition of “new business” and “expansion of an existing business” to include Qualified Target Industry businesses and to provide that any new jobs created by an eligible business or organization must pay a wage above the average wage of the locality. Further, the bill prescribes criteria for counties or municipalities to consider when reviewing applications for exemptions and allows local governments to enter into a written agreement with the applicant to cover additional details or requirements.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011, and shall apply only to exemptions from ad valorem taxation granted pursuant to referenda held on or after July 1, 2011, under the provisions of s. 196.1995(1), Florida Statutes.

SB 652 - Liability of Spaceflight Entities

By: Simmons and others

Tied Bills: None

Companion Bills: CS/HB 703

Committee(s) of Reference: Military Affairs, Space, and Domestic Security; Judiciary; Rules

Category: Courts, Economic Development, Tourism

Keywords: Business, Civil

Florida law provides liability protection to spaceflight entities in the event of an injury to or death of a participant engaging in spaceflight activities provided the required warning is given to and signed by the participant. Unless reenacted by the Legislature, the law sunsets on October 2, 2018.

The bill repeals the sunset date of October 2, 2018, and extends liability protection to certain space-related manufacturers and suppliers.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 879 - Targeted Economic Development

By: Economic Affairs Committee; Finance & Tax Committee; Eisnaugle and others

Tied Bills: None

Companion Bills: CS/CS/SB 1318; includes part of CS/CS/SB 1460

Committee(s) of Reference: Economic Development & Tourism Subcommittee; Finance & Tax Committee; Economic Affairs Committee

Category: Economic Development, Energy, Taxes

Keywords: Business, Commerce, Energy Efficiency, Growth, Job Creation, Renewable Energy, Rules, Tax Credits, Tax Exemption

The bill authorizes a business receiving the Capital Investment Tax Credit to use any unused credit, due to insufficient tax liability, beginning in the 21st year after commencement of a qualified project. Because the credit is taken over the first 20 years of a project, the bill provides a 10 year period to use unused tax credits, which expires at the close of year 30 after the commencement of a qualified project.

The bill revises the qualified target industry list by providing that special consideration be given to industries that strengthen the state's position as a global trade and logistics hub. This addition will codify into law global logistics as a qualified target industry. The bill also allows the governing board of whichever local government entity is providing the local financial support for a qualified target industry project to notify the Office of Tourism, Trade, and Economic Development and Enterprise Florida of the average private sector wage calculation that must be used as the wage commitment for a qualified target industry business.

In order to encourage economic development, growth, and new employment opportunities in Bay, Escambia, Franklin, Gadsden, Gulf, Jefferson, Leon, Okaloosa, Santa Rosa, Wakulla, and Walton Counties, the bill authorizes the Office of Tourism, Trade, and Economic Development to reduce local financial support requirements for the qualified target industry program by one-half for a qualified target industry business located in any one of these counties. This incentive is effective July 1, 2011, and expires on June 30, 2014.

The bill fully implements the Energy Economic Zone Pilot Program and provides that all incentives and benefits currently included in the enterprise zone program are available to the two designated energy economic zones in the City of Miami Beach and Sarasota County. A governing authority with jurisdiction over an energy economic zone may provide no more than \$300,000 in incentives in any State fiscal year. If the \$300,000 incentive cap is not fully used, the unused amount may be carried forward for no more than five years. The bill also provides that a local governing authority may exempt certain developments in an energy economic zone from regulations relating to a development of regional impact. Incentives provided to energy economic zones become effective on or after July 1, 2012.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/SB 1346 - Obsolete References and Programs

By: Children, Families, and Elder Affairs; Commerce and Tourism; Commerce and Tourism;

Tied Bills: None

**Companion Bills: CS/HB 4041; HB 7163; HB 7165; HB 7167; HB 7169; HB 7171; HB 7173;
HB 7175; HB 7177; HB 7179; includes part of SB 2156**

**Committee(s) of Reference: Commerce and Tourism; Children, Families, and Elder Affairs;
Governmental Oversight and Accountability**

Category: Repeals of Existing Law

Keywords: Commerce, Adult Protective Services, Child protection, Loan, Public Meetings, Inmates

The bill amends or repeals 35 obsolete references to the former Department of Labor and Employment Security, or one of its former programs, and 10 obsolete references to the Florida Department of Commerce still remaining in Florida Statutes. Additionally, the bill repeals or amends several obsolete statutes related to the Department of Children and Family Services, the Office of Tourism, Trade, and Economic Development, and the Agency for Workforce Innovation.

Section 288.038, F.S., provides the Department of Labor and Employment Security with authority to enter into an agreement with a county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations. The Department of Labor and Employment Security has been abolished and the bill repeals s. 288.038, F.S., to remove this obsolete section of law.

The bill removes the obsolete statutory provisions preventing the Department of Children and Family Services from hiring employees who may be federal, State, county or municipal officers. Further, the removal of the prohibition will allow persons who are currently employed at the Department of Children and Family Services, to seek public office or serve as a local official without leaving the department. The bill also repeals obsolete language relating to several Department of Children and Family Services programs for vulnerable children and adults.

The Legislature created the Florida-Caribbean Basin Trade Initiative as part of the Seaport Employment Training Grant Program. The purpose of the initiative was to assist small and medium-sized businesses to become involved in international activities and effectuate trade opportunities in the Caribbean Basin. Funding was appropriated for the 2000 fiscal year only and the program has been inactive since that time. The bill repeals s. 288.386, F.S., which created this program.

The Legislature created the Florida Trade Data Center in 1992 as a comprehensive trade data resource and research center, but the center has been inactive since 1999. The bill removes references to the Florida Trade Data Center in sections of law that address state foreign offices, Florida-Caribbean Basin Trade Initiative, and Florida seaport transportation and economic development funding.

In 1997, the Legislature authorized the Office of Tourism, Trade, and Economic Development to contract with a nonprofit or governmental organization to foster microenterprise development in Florida. However, the program experienced a high number of failures and the Legislature has not subsequently funded the program. The bill repeals s. 288.9618, F.S., which created this program.

The Legislature exempted from public disclosure certain records held by the Governor's Advisory Council on Base Realignment and Closure or the Office of Tourism, Trade, and Economic Development. Portions of the Base Realignment and Closure Advisory Council meetings or subcommittee meetings were exempted from the Sunshine Law. The exemption was repealed on May 31, 2006, but has not been removed from statute. The bill repeals s. 288.982, F.S, which created the exemption.

In 2000, the Legislature created the Inner City Redevelopment Assistance Grants Program to be administered by the Office of Tourism, Trade, and Economic Development. The program included an Inner City Redevelopment Review Panel within the Office of Tourism, Trade, and Economic Development to review grant proposals. The review panel is no longer active. The bill repeals s. 409.946, F.S., which created the panel.

Section 446.60, F.S, provides that the now abolished Department of Labor and Employment Security was to provide assistance to any individual employed in the state by a local exchange telecommunications company on June 30, 1995, who is displaced, dislocated, severed, or retired from employment as a result of the introduction of competition. The statute is inactive and the bill repeals this section of law.

Current law mandates that both the Department of Corrections and the Agency for Workforce Innovation adopt rules to implement the Transition Assistance Program Act. However, the Act imposes no duties upon the Agency for Workforce Innovation and the Joint Administrative Procedures Committee has recommended the removal of the Agency for Workforce Innovation from the statute. The bill amends s. 944.708, F.S., to remove the reference to the Agency for Workforce Innovation regarding rulemaking for this program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 4033 - Florida Industrial Development Corporation

By: Dorworth

Tied Bills: None

Companion Bills: SB 1632

Committee(s) of Reference: Economic Development & Tourism Subcommittee; Economic Affairs Committee

Category: Repeals of Existing Law

Keywords: Business

The bill repeals ch. 289, F.S., relating to the Florida Industrial Development Corporation, which is an outdated section of law. Previously, three corporations were created under this statutory authority and were dissolved in 1973, 1980, and 1991, respectively.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 7005 - Unemployment Compensation

By: Economic Affairs Committee; Finance & Tax Committee; Economic Development & Tourism Subcommittee; Holder and others

Tied Bills: None

Companion Bills: CS/CS/SB 728

Committee(s) of Reference: Finance & Tax Committee; Economic Affairs Committee

Category: Economic Development, Taxes

Keywords: Business, Job Creation, Unemployment, Tax Cut, Funding

The bill is a comprehensive revision of the state's Unemployment Compensation system. The bill breaks down barriers between an Unemployment Compensation claimant and the workforce system for job placement immediately following the Unemployment Compensation claims eligibility process. The bill's required tie-in to the workforce system provides opportunities for skills assessment and a quicker return to the workforce through a greater emphasis on job search activities. In addition, the bill ties the number of Unemployment Compensation benefit weeks available to the Unemployment Compensation rate. The bill also addresses aspects of the state's Unemployment Compensation system related to a claimant's state and federal benefits, qualifications to receive state benefits, and appeals of a benefit determination. Further, the bill provides tax relief by reducing employers' tax rates beginning in 2012.

Relating to a claimant's state and federal benefits:

- Once a claimant is found eligible for state benefits, a claimant must complete an initial skills review through an online education or training program which results are reported to the workforce system for further assistance, if needed;
- To receive state benefits, a claimant must actively seek work through at least five work search activities a week or report in person to a One-Stop Career Center to meet with a representative for reemployment services each week;
- Claimants may receive benefits only through electronic means such as electronic funds transfer or a debit card, and all future benefit claims must be made through the Internet;
- State law is matched to federal law changes to allow for federally-funded extended benefits to be drawn down to the unemployed; and
- Beginning January 1, 2012, the number of available state benefit weeks is reduced from 26 to 23 and the number of available state benefit weeks is tied to the unemployment rate on a sliding scale. For example, if the unemployment rate is 5 percent or lower, the number of available weeks is 12, and if the unemployment rate is 10.5 percent or higher, the number of available weeks is 23.

Relating to qualification for benefits:

- The legal standard for determining employee misconduct is revised, and certain forms of misconduct such as chronic absenteeism or violation of an employer's rules are specified;
- A disqualification for any week in which an individual receives severance pay from an employer is added effective August 1, 2011; and
- An employee's benefit disqualification for commission of a crime is revised so that the crime does not have to be punishable by imprisonment. A claimant in prison is also disqualified from benefits while in prison.

Regarding appeals of benefit determinations:

- Evidence that is irrelevant or repetitious is excluded and certain hearsay evidence is allowed under certain circumstances in an appeal; and
- A claimant may file an appeal of an order by the Unemployment Appeals Commission in the district court of appeal where the claimant resides, where the business was located, or where the order was issued.

Relating to employer taxes:

- Most employers' tax rates are reduced starting in 2012 by revising their benefit ratio calculation downward 10 percent which is used to compute their ultimate tax rate;
- The number of employee leasing companies who may obtain tax information for their clients by filing a memorandum of understanding is increased, instead of filing a power of attorney for each client with the Department of Revenue; and
- Employers continue to have the option to pay their Unemployment Compensation taxes in installments over the course of the year in 2012, 2013, and 2014.

Relating to employee records, the bill permits the Agency for Workforce Innovation to contract with consumer reporting agencies to access wage records and requires that any revenues from the contract be used for administration of the unemployment compensation system.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law except as otherwise provided.

Insurance & Banking Subcommittee

CS/CS/HB 99 - Commercial Insurance Rates

By: Economic Affairs Committee; Insurance & Banking Subcommittee; Drake and others

Tied Bills: None

Companion Bills: CS/CS/SB 178

Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Category: Insurance

Keywords: Insurance

Commercial lines insurance (commercial insurance) is insurance designed for and bought by a business to cover losses sustained by the business. In Florida, the Office of Insurance Regulation regulates insurance. The Office of Insurance Regulation reviews and approves or disapproves rates charged by insurance companies. However, insurance companies writing specified types of commercial insurance do not have to file rates with or obtain approval for the rates charged from the Office of Insurance Regulation. The bill allows five new types of commercial insurance to be exempt from the rate filing and approval process. Thus, insurance companies writing these types of commercial insurance will not have to file with or obtain approval of the rates for these types of commercial insurance by the Office of Insurance Regulation before the insurer can charge the rate. The new types of commercial insurance exempted are:

- Fiduciary Liability;
- General Liability;
- Nonresidential Property, but not collateral protection insurance;
- Nonresidential Multiperil;
- Excess Property; and
- Burglary and Theft.

The bill expands the current rate filing and approval exemption for commercial motor vehicle insurance. Under the bill, all commercial motor vehicle insurance is exempt from the rate filing and approval process, rather than only commercial motor vehicle insurance covering a fleet of 20 or more vehicles.

The bill deletes some of the information required on the notice an insurer must give the Office of Insurance Regulation when the rate changes for commercial insurance exempt from rate filing. The type of data required to be retained by the insurer or rating organization to support the rate charged for commercial insurance not subject to a rate filing is changed by the bill. Although the bill deletes current law allowing the Office of Insurance Regulation to obtain information about a commercial insurance rate not subject to the rate filing and approval process at the insurer's or rating organization's expense, the bill requires the insurer or rating organization to incur the cost of any examination of the rate charged by the Office of Insurance Regulation.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/CS/CS/SB 408 - Property and Casualty Insurance

By: Rules; Budget Subcommittee on General Government Appropriations; Banking and Insurance; Richter and others

Tied Bills: None

Companion Bills: CS/CS/HB 803; HB 4115; SB 1462; HB 7181; CS/HB 885; includes part of CS/HB 1007; includes part of CS/CS/HB 1243; includes part of CS/CS/SB 1568; includes part of CS/SB 1714; includes part of HB 4081; includes part of CS/HB 4099; includes part of SB 636

Committee(s) of Reference: Banking and Insurance; Budget Subcommittee on General Government Appropriations; Budget; Rules

Category: Insurance

Keywords: Property, Hurricane, Citizens, Rates, Claims, Sinkhole, Rules

This bill makes numerous changes to the laws related to property and casualty insurance, primarily residential property insurance. The bill addresses the following major issues:

Florida Hurricane Catastrophe Fund

The Florida Hurricane Catastrophe Fund is a tax-exempt trust fund created after Hurricane Andrew as a form of reinsurance for residential property insurers. The bill makes changes to the types of losses that can be reimbursed from the Florida Hurricane Catastrophe Fund. Specifically, the bill:

- Defines "losses" as all incurred losses and specifies amounts paid as fees on behalf of or inuring to the benefit of a policyholder are included in the definition of "losses" and thus reimbursable by the Florida Hurricane Catastrophe Fund.
- Starting June 1, 2011, prevents the Florida Hurricane Catastrophe Fund from reimbursing insurers for certain types of losses paid on a property insurance claim (e.g., bad faith awards, punitive damages, homeowners/condo association loss assessments, liability coverage losses).

Insurer Surplus Required

The bill increases surplus requirements for property insurance companies to obtain and maintain a certificate of authority to transact insurance. The bill:

- Requires an insurance company licensed after the bill takes effect to write residential property insurance must have \$15 million in surplus to obtain a certificate of authority, rather than the greater of \$5 million or ten percent of the insurer's liabilities.
- Requires residential property insurance company licensed after July 1, 2011, to keep the greater of ten percent of the insurer's liabilities or \$15 million, rather than \$4 million, in surplus to keep a certificate of authority.
- To keep a certificate of authority, requires residential property insurance companies licensed before July 1, 2011, to keep the greater of ten percent of the insurer's liabilities or:
 - \$5 million, rather than \$4 million, in surplus until June 30, 2016;
 - \$10 million rather than \$4 million, in surplus until June 30, 2021; and
 - \$15 million, rather than \$4 million, in surplus after June 30, 2021.

Public Adjusters

The bill makes significant changes to the regulation of public adjusters in residential property and condominium unit owner property insurance claims.

Fee Cap

Starting June 1, 2011, adds a 20 percent fee cap for public adjuster fees associated with reopened or supplemental property insurance claims.

Advertising, Solicitation & Conduct For Property Insurance Claims

- Starting January 1, 2012, sets out specific statements that are deceptive or misleading and an unfair and deceptive trade practice, if the statements are contained in advertising or solicitation of public adjusters.
- Starting January 1, 2012, requires any written advertisements by public adjusters to contain a specific disclaimer in bold print and capital letters in a specific typeface that identifies the advertisement as a solicitation for business.
- Requires the public adjuster to ensure:
 - Prompt notice of the claim is given to the insurance company;
 - The public adjuster contract is timely given to the insurance company;
 - The property insured is made available to the insurance company for inspection; and
 - The insurance company is allowed to interview the policyholder about the claim.
- Forbids a public adjuster from preventing the insurance company reasonable access to the policyholder or the damaged property to timely inspect the property.
- Requires the insurance company to give the policyholder or public adjuster 48 hours notice before meeting with the policyholder or inspecting the damaged property.
- Allows public adjusters to be present when an insurance company inspects a damaged property.
- Allows contractors to prepare or submit a bid to repair damaged property and to discuss the bid with the policyholder or the insurance company.
- Requires the public adjuster to make the written estimate of loss the public adjuster prepares on the claim available to the insurer.

Public Adjuster Contracts

Starting January 1, 2012, requires certain information to be included in a public adjuster contract relating to property and casualty claims.

Notice Period to File Hurricane Claim

Starting June 1, 2011, the bill requires notice of an initial claim, supplemental claim, or reopened claim made against property insurance due to hurricane or windstorm damage to be filed within three years of the date of the hurricane causing damage. Currently, the law does not prescribe a time frame for a policyholder to give the insurer notice of a property insurance claim.

Statute of Limitations For Property Insurance

The bill changes the statute of limitations for property insurance claims to five years starting from the date of loss, rather than when the property insurance contract is breached. A statute of limitations is a time period after which no legal case can be brought relating to an injury or wrong.

Rate Filing, Review and Approval Process

The bill continues to require the Office of Insurance Regulation to review and approve rates to ensure the rates are not excessive, inadequate, or unfairly discriminatory. However, the bill makes a number of changes to the rate filing and review process.

Use and File Prohibition

Prohibits insurer use of a "use and file" rate filing for property insurance until May 1, 2012.

Expedited Rate Filing

- Allows all reinsurance costs to be included in an expedited rate filing, rather than only reinsurance costs related to the Florida Hurricane Catastrophe Fund.
- Increases the amount of a rate increase allowed in an expedited rate filing from 10-15 percent per policy.
- Repeals the prohibition in current law relating to the inclusion of insurance company expenses and profits in an expedited rate filing.
- Repeals current law preventing expedited rate filing if rate increase is implemented within six months preceding the expedited rate filing.
- Repeals current law preventing an annual base rate filing within six months after an expedited rate filing.

Certification of Property Insurance Rate Filing

Provides a property insurance rate filing certification is not rendered false if the insurance company provides the Office of Insurance Regulation with additional or supplementary information at the Office of Insurance Regulation's request. The insurer actuary submitting the additional information must provide the same certification for the additional information that is required under current law for the initial rate filing. The same penalties that apply to the certification of the initial rate filing also apply to the certification given for the supplemental information.

Insurer Payment of Acquisition Costs to Agents

Prohibits the Office of Insurance Regulation from directly or indirectly taking actions relating to an insurer's acquisition of policyholders, advertisement, agent commissions or agent appointment for property and casualty insurance.

Citizens Property Insurance Corporation

Citizens Property Insurance Corporation (Citizens) is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market. It is not a private insurance company. The bill makes a number of changes to Citizens as follows:

- Changes the name of the Citizens' High Risk Account to "Coastal Account."
- Allows a public adjuster representing Citizens' policyholders to be paid a maximum fee of 10 percent of the claim amount paid over the amount originally offered.
- Requires a feasibility study on outsourcing Citizens' claims functions.

- Requires the Citizens' Policyholder Surcharge to be payable on renewal, cancellation, or termination of the Citizens' policy or upon issuance of a new policy by Citizens within the first 12 months after the surcharge levy or the time needed to collect the surcharge.
- Prohibits Citizens from levying regular assessments against property and casualty insurers until Citizens levies the full amount of Citizens' Policyholder Surcharge.
- Provides Citizens' board members who are required to have insurance expertise fall within the exemption to the conflicting public employment statute.
- Requires a Citizens' board member to abstain from voting on matters leading to personal gain or loss or gain or loss to persons related to the board member and provides procedures for voting abstention.
- Exempts rates for sinkhole coverage written by Citizens from the Citizens' rate increase cap of 10 percent per policy per year.
- After January 1, 2012, requires sinkhole coverage by Citizens to extend only to the main structure. Thus, this coverage will not cover sinkhole losses to appurtenant structures, driveways, sidewalks, decks or patios.
- Requires Citizens' policyholders to sign an acknowledgement about the assessments levied by Citizens that can be incurred.
- Repeals the reduction of the boundaries of the High Risk Account due to Citizens' inability to reduce their probable maximum loss as specified in current law. Repeals an annual report relating to Citizens' 100-year probable maximum loss.

Notice of Nonrenewal, Cancellation or Termination

The bill makes changes to the timing requirements for the insurance company to notify a policyholder that a policy will be cancelled, terminated or will not be renewed, as follows:

- Reduces the notice period an insurer must give to nonrenew, cancel or terminate a property insurance policy from 180 days to 120 days for policyholders insured by the same insurer for five years or more.
- Maintains a notice period of 100 days or notice by June 1, whichever is earlier, for policyholders insured for property insurance by the same insurer for less than five years.
- For property insurance policies taken out of Citizens by a private insurer, reduces the written notice of nonrenewal to 45 days before the effective date of the nonrenewal.
- Allows a 45-day notice of cancellation or nonrenewal, rather than the 100-day or 180-day notice required under current law, if the Office of Insurance Regulation determines early cancellation of some or all of an insurer's property insurance policies is necessary to protect the best interest of the public or the policyholders.
- Allows a 90-day notice of nonrenewal for combination policies providing coverage for property and automobile.

Payment of Replacement Cost

The bill maintains current law requiring the insurer to pay replacement costs up front with no repair required for total dwelling losses. For partial dwelling losses, the bill requires an insurer to pay the actual cash value less the deductible up front, with the remainder paid as repair work is done.

For personal property/contents losses, the bill requires the insurer to offer a property insurance policy with payment of replacement costs up front with no repair required. Further, the bill authorizes the insurer to offer a policy with payment of actual cash value up front with remainder paid as receipts are provided evidencing property is replaced, as long as the insurer provides notice of the process to obtain replacement cost before the policy is bound and the consumer is given an actuarially indicated premium discount for purchasing this type of policy.

Mitigation Discounts

The bill repeals obsolete language requiring insurance companies to make a rate filing including mitigation discounts by February 28, 2003, and requiring the Office of Insurance Regulation to reevaluate the mitigation discounts by July 1, 2007. Further, the bill repeals obsolete language and requirement that mitigation discounts be correlated to the home grading scale.

The bill allows an insurer to require a mitigation discount form provided by a policyholder or insurance agent be independently verified before accepting the form as valid and maintains current law requiring the insurer to pay for the independent verification.

Sinkholes

The bill provides legislative findings relating to sinkhole issues and the impact of the increasing number of sinkhole claims and the severity of the claims on the property insurance market, on the local property tax base, and on the real estate market. Although the bill continues to require property insurers to cover catastrophic ground cover collapse and offer sinkhole loss coverage, significant changes are made to this area of law.

Required Offer of Catastrophic Ground Cover Collapse & Sinkhole Loss Coverage

- Maintains current law requiring property insurers to cover catastrophic ground cover collapse coverage and offer sinkhole loss coverage.
- Allows a property insurer to restrict catastrophic ground cover collapse coverage and sinkhole loss coverage to the principal building.
- Allows an insurer to inspect a property before issuing sinkhole loss coverage.

Requirements for Valid Sinkhole Claim

Defines "structural damage" specifically using terms of the Florida Building Code.

Nonrenewal of Insurance Policy Relating to Sinkhole Coverage Or Claim

- Allows property insurers to nonrenew policies to exclude sinkhole loss coverage from the base policy at the option of the insurer in order to offer sinkhole loss coverage as an endorsement, if the property meets the insurer's underwriting rules.
- Prohibits insurers from nonrenewing property insurance policy because a sinkhole claim is filed, if the sinkhole claim payment equals or is less than policy limits or if the property was repaired.
- Specifies an insurer can nonrenew a property insurance policy if policy limits or more are paid on a sinkhole claim.

Notice of Sinkhole Claim

Requires notice of initial, supplemental, or reopened sinkhole claim to be given the insurer within two years after policyholder knew or reasonably should have known about the sinkhole loss.

Sinkhole Testing

- Requires sinkhole testing only if the policyholder has sinkhole loss coverage. Allows policyholder to demand testing if sinkhole claim is denied only if the policyholder has sinkhole loss coverage.
- Requires policyholder to demand testing within 60 days of sinkhole claim denial.
- Requires policyholder to pay part of testing costs up front if the sinkhole claim is denied without testing and the homeowner demands testing with reimbursement to the homeowner if testing reveals a sinkhole.

Sinkhole Repairs

- For verified sinkholes, requires repairs recommended by insurer's sinkhole report and allows insurer to complete repairs or tender policy limits if the insurer's engineer determines that the repair cannot be completed within policy limits.
- Requires homeowner to enter into a sinkhole repair contract within 90 days of the insurer accepting the sinkhole claim.
- Requires sinkhole repair work to be completed within 12 months after contract for repair signed, with limited exceptions.
- Makes it a third degree felony for a contractor to offer a rebate. Prohibits a homeowner from accepting a rebate.
- Requires engineer overseeing property repair to issue a report certifying repairs were properly performed.

Filing of Sinkhole Report With Clerk of Court

- Requires the neutral evaluator's report indicating sinkhole activity caused property damage, the sinkhole report, and the amount of payment on a sinkhole claim to be filed with the clerk of court.
- Requires a policyholder to file sinkhole report prepared at policyholder's request with clerk of court, with the filing cost incurred by policyholder, in order for policyholder to get paid by insurer for sinkhole claim.
- Requires the engineer overseeing property repair under a sinkhole claim to file the report certifying repairs were properly performed with the clerk of court.

Neutral Evaluation

- Allows neutral evaluation to be available to either the insurer or the policyholder if a sinkhole report has been issued on the sinkhole claim.
- Provides the neutral evaluation does not invalidate the appraisal clause in a property insurance policy.
- Requires reasonable access to the interior or exterior of the damaged property for the neutral evaluator.
- Requires a homeowner to provide the neutral evaluator with any sinkhole report prepared on behalf of the homeowner before the neutral evaluator inspects the property.
- Allows an insurer and a homeowner to disqualify neutral evaluators for cause. Specifies grounds for cause. Allows each party to disqualify two neutral evaluators without cause.
- Requires the Department of Financial Services to appoint a neutral evaluator if the parties cannot agree to one within 14 days of the Department of Financial Services giving the parties a list of neutral evaluators.

- Requires the neutral evaluator to make reasonable efforts to hold the neutral evaluation within 90 days of the receipt for neutral evaluation by the Department of Financial Services. Allows parties to hold a neutral evaluation outside the 90-day period.
- Allows the neutral evaluator to obtain assistance in resolving the sinkhole claim from other neutral evaluators, engineers, geologists, or building contractors, if the neutral evaluator is not qualified to decide all issues in dispute. Persons assisting the neutral evaluator can be disqualified for cause.
- Allows the neutral evaluator to request the engineer or geologist who did the sinkhole testing on the claim to perform additional testing the neutral evaluator believes is necessary.
- Requires the neutral evaluation report to state whether sinkhole activity caused structural damage to the property.
- Requires the oral testimony of the neutral evaluator and the neutral evaluation report to be admitted in litigation or other actions or proceedings on the sinkhole claim.
- Provides actions of the insurer are not a confession of judgment or admission of liability if the insurer agrees to comply with the neutral evaluation report and does so but the policyholder refuses to resolve the sinkhole claim.
- Requires sinkhole claim payments to be in accordance with the insurance contract if the insurer agrees to comply with the neutral evaluation report.
- Immunizes neutral evaluators from suit as agents of the state.

Sinkhole Database

Repeals the sinkhole database currently maintained by the Department of Financial Services.

Payment of Sinkhole Claims by the Florida Insurance Guaranty Association

- Prevents the Florida Insurance Guaranty Association from paying sinkhole claims of insolvent insurers, except for sinkhole testing and repair amounts up to policy limits.
- Forbids the Florida Insurance Guaranty Association from paying attorney fees and public adjuster fees on sinkhole claims.

Notice of Change of Policy Terms

The bill allows insurers to change property and casualty coverage by providing policyholders a “Notice” of change in coverages as opposed to nonrenewing and rewriting a policy if coverages change.

90-Day Payment of Property Insurance Claims

The bill clarifies that current law requiring insurers to pay or deny a property insurance claim within 90 days of the receipt of notice of the claim applies to initial, reopened, or supplemental property insurance claims.

Insurance Capital Build-Up Incentive Program

The bill allows an insurer to request the State Board of Administration renegotiate the terms of a surplus note issued under the Insurance Capital Build-Up Incentive Program before January 1, 2011. Further, the bill allows the State Board of Administration to agree to an appropriate revision of the required premium-to-surplus ratios as part of the surplus note renegotiation.

Fees for Use of Public Hurricane Model

The bill requires Florida International University to charge reasonable costs for the operation and maintenance of the public hurricane model for private insurers using the public model; and exempts the OIR from paying fees to use the public model.

Insurance Company Report Card

The bill repeals law requiring the Insurance Consumer Advocate to prepare a report card grading property insurance companies.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided.

CS/CS/CS/HB 599 - Corporations Not For Profit

By: Economic Affairs Committee; Civil Justice Subcommittee; Insurance & Banking Subcommittee; Passidomo and others

Tied Bills: None

Companion Bills: CS/CS/SB 952

Committee(s) of Reference: Insurance & Banking Subcommittee; Civil Justice Subcommittee; Appropriations Committee; Economic Affairs Committee

Category: Banking, Higher Education, Social Services

Keywords: Gift, Grant, Investments, Non Profit, Trusts

The Florida Uniform Management of Institutional Funds Act became law in 1990 and was updated in 2003. It is based upon the Uniform Management of Institutional Funds Act promulgated by the National Conference of Commissioners on Uniform State Laws.

The Florida Uniform Management of Institutional Funds Act:

- Only applies to an institution organized and operated exclusively for educational purposes, or a governmental entity holding funds exclusively for educational purposes;
- Provides standards of conduct for a governing board; and
- Delineates factors a governing board shall consider when expending endowment funds.

The bill creates the Florida Uniform Prudent Management of Institutional Funds Act to replace the Florida Uniform Management of Institutional Funds Act. Among its key provisions, this bill:

- Makes significant enhancements to provisions currently contained in the Florida Uniform Management of Institutional Funds Act;
- Applies to all charitable institutions, not just those associated exclusively with educational purposes;
- Expands the types of assets which can be in a charitable organization's portfolio;
- Allows pooling of institutional funds for purposes of managing and investing;
- Delineates factors to be considered prior to expenditure of funds;
- Provides new procedures for releasing restrictions on small institutional funds; and

- Provides for modification of restrictions on the use of endowment funds.

The provisions contained in this bill would apply to a non-educational direct-support organization only if it held a fund exclusively for charitable purposes.

The bill provides for reversion of real property back to the Board of Trustees of the Internal Improvement Trust Fund if a not-for-profit entity holding a deed subject to a reverter clause violates the deed restrictions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2012, except as otherwise provided.

CS/HB 723 - Extraterritorial Reciprocity in Workers' Compensation Claims

By: Insurance & Banking Subcommittee; Weinstein and others

Tied Bills: None

Companion Bills: CS/CS/SB 1286

Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Category: Insurance

Keywords: Business, Regulation

The bill creates s. 440.094, F.S., establishing that Florida employees injured while temporarily working for their employer in another state will receive benefits under Florida's Workers' Compensation Law (Ch. 440, F.S.). For purposes of this section, an employee who works for their employer in a state other than their primary state of employment for no more than 10 consecutive days or a maximum of 25 total days in a calendar year is considered to be "temporarily working" in that state.

Out-of-state employees injured while temporarily working in Florida (and their employers) are exempted from Florida's Workers' Compensation Law and will receive benefits under the workers' compensation law (or similar law) of their home state, if the following conditions are met:

- The employer has furnished coverage under the workers' compensation law (or similar law) of the employer's home state that covers the employee's employment while in Florida;
- The extraterritorial provisions of Florida's Workers' Compensation Law are recognized in the employer's home state; and
- Florida employees and employers are exempted from the workers' compensation law (or similar law) of the employer's home state for injuries that occur while Florida employees are temporarily working in the employer's home state.

Employees with a claim in Florida and another state for the same injury are entitled to recover the amount of compensation due under Florida's Workers' Compensation Law. Florida courts are required to take judicial notice of the construction of the laws of another jurisdiction if such construction is necessary in a legal proceeding. With respect to out-of-state employers with employees temporarily working in Florida, a certificate from a duly authorized officer of the appropriate department of the employer's home state that the employer has provided extraterritorial coverage for its employees while

temporarily working in Florida is prima facie evidence that the employer carries workers' compensation insurance.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1007 - Insurer Insolvency

By: Insurance & Banking Subcommittee; Bernard; Julien; Cruz and others

Tied Bills: None

Companion Bills: CS/CS/SB 1568; includes part(s) of CS/CS/CS/SB 408; CS/CS/HB 803; CS/CS/HB 1229

Committee(s) of Reference: Insurance & Banking Subcommittee; Economic Affairs Committee

Category: Insurance

Keywords: Regulation, Claims, Insurance

Chapter 631, F.S., relates to insurer insolvency and guaranty payments and governs the receivership process for insurance companies in Florida. Federal law specifies that insurance companies cannot file for bankruptcy. Instead, they are either "rehabilitated" or "liquidated" by the state. In Florida, the Division of Rehabilitation and Liquidation of the Department of Financial Services is responsible for rehabilitating or liquidating insurance companies. This process involves the initiation of a delinquency proceeding and the placement of an insurer under the control of the Department of Financial Services as the receiver.

When an insurer is in liquidation, the Department of Financial Services must pay claims based upon a priority established by state law. However, under Federal law, claims of the United States government in an insurance company receivership estate have priority above all other claims except policyholder level claims and administrative expenses. Additionally, there is no limit on when the government can file those claims. If the Department of Financial Services pays claims to others, such as employees of the insurer, creditors, or claims of any state or local government and the Federal government subsequently files a claim and funds are unavailable, the officers and employees of the Department of Financial Services can be held personally liable for the amount due. This situation has severely hampered the administration of insurers' estates and the payment of valid claims.

The bill provides coverage by the State Risk Management Trust Fund to specified officers and employees of the Department of Financial Services for any liability under the Federal act relating to priority of claims for any action taken by them in the performance of their receivership duties.

The bill makes other changes relating to the responsibilities of the Division of Rehabilitation and Liquidation. It authorizes the Department of Financial Services to be appointed an ancillary receiver to an out-of-state insurer when it is necessary to obtain records to adjudicate the covered claims of Florida policyholders. It also subjects individuals, who are already compelled to cooperate in providing records to the Department of Financial Services or face criminal penalties, to liability for penalties, fines, or other costs assessed against a guaranty association or the receiver that result from the individuals' refusal or delay in providing records.

One area to which the Division has additional responsibility is title insurance. Title insurance protects owners of real property or others having an interest in real property against loss by encumbrance,

defective title, invalidity, or adverse claim to title. Currently, policies of an insurer in rehabilitation can only remain in force as long as the insurer has sufficient assets to avoid liquidation.

The bill requires the receiver of a title insurer in rehabilitation to file a rehabilitation plan that provides for the following:

- Title insurance policies on real property in Florida are to remain in force, unless assessments on other title insurers would be insufficient to pay the insurer's claims;
- Title insurance policies on real property in other states ("out-of-state policies") that do not statutorily provide for payment of future losses of title insurers in receivership may be cancelled as of a date approved by the court, with a claims filing deadline established; and
- Separate allocations of remaining estate assets to fund claims made on out-of-state policies that, respectively, have been cancelled or remain in force, and a formula for determining funds to be allocated to these claims.

When a title insurer is ordered into rehabilitation, all remaining title insurers are liable for an assessment to pay outstanding claims on the insurer's policies covering real property in Florida and associated administrative expenses. Upon the receiver's request, the Office of Insurance Regulation is required to order an annual assessment sufficient to pay such amounts, and an annual assessment in subsequent years until specified criteria are met. Assessments are to be based on each title insurer's pro-rata share of direct title insurance premiums written in Florida in the previous calendar year, and cannot exceed specified levels. When an assessment has been ordered, the insurer in rehabilitation cannot issue new policies and cannot be released from rehabilitation until all assessments have been repaid.

To reimburse insurers for assessments paid, the Office of Insurance Regulation is required to order a surcharge on all subsequently issued title insurance policies on Florida real property. The surcharge cannot exceed \$25 per transaction for each impaired title insurer and must be sufficient to repay all assessments within seven years.

The bill also contains special provisions relating to persons serving in an official capacity with a financially troubled title insurer. Officers, directors, and shareholders of a title insurer who served in such capacity within two years of the date the insurer was ordered into rehabilitation or liquidation may not thereafter serve in such capacity, unless the person demonstrates that his/her actions or omissions were not a significant contributing cause to the receivership, that he/she did not engage in certain misconduct, and that the person at all times acted in the best interests of the title insurer.

The bill amends provisions relating to the Florida Insurance Guaranty Association and the Florida Workers' Compensation Insurance Guaranty Association by redefining "covered claims" to exclude certain claims rejected by another state's guaranty fund. With respect to the board of directors of both these associations, the bill allows for the quick termination of a member who represents, or has a material relationship with, an insurer in receivership.

For another guaranty association, the Florida Life and Health Insurance Guaranty Association, the bill specifies that the association's current immunity from bad faith lawsuits does not affect the association's obligation to pay valid insurance policy or contract claims if warranted after its independent de novo review of the policies, contracts, and claims presented to it, whether domestic or foreign, after a Florida domestic rehabilitation or liquidation.

The bill makes two other changes. It allows an insurer to request that the State Board of Administration renegotiate the terms of a surplus note issued under the Insurance Capital Build-Up Incentive Program before January 1, 2011. It also expands the list of nationally recognized statistical rating organizations that may be utilized to provide a secure financial rating for insurance companies.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1087 - Insurance

By: Economic Affairs Committee; Holder

Tied Bills: None

Companion Bills: CS/CS/SB 1252; includes part(s) of CS/CS/HB 967; CS/HB 1411; CS/CS/SB 1836

Committee(s) of Reference: Insurance & Banking Subcommittee; Economic Affairs Committee

Category: Insurance

Keywords: Auto, Fraud, Insurance, Rates, Regulation, Rules, Surplus Lines

In Florida, currently the Office of Insurance Regulation and the Department of Financial Services regulates insurers, insurance agents and other risk-bearing entities. The bill makes changes to various insurance-related provisions, including:

- Permits workers' compensation benefits to be paid on a prepaid card, if authorized by the employee; provides the Department of Financial Services with rulemaking authority;
- Changes the basis for assessments from a fiscal year to a calendar year for the Special Disability Trust Fund in the Division of Workers' Compensation of the Department of Financial Services;
- Expands exemption from certificate of authority requirements to any insurer domiciled outside of the U.S. and covering only persons who, at the time of issuance or renewal, are nonresidents of the U.S.;
- Changes restrictions on how often insurers may employ the same accountants to complete the audited financial report required by the Office of Insurance Regulation, reducing the seven-year limitation on insurers using the same accountant to a period of five years and increasing the two-year waiting period to a period of five years;
- Bars persons who commit certain felonies from applying for licensure under the Florida Insurance Code and specifies waiting periods for licensure for other offenses; provides the Department of Financial Services with rulemaking authority;
- Requires that managing general agent contracts provide that funds collected for an insurer be held in a bank insured by the Federal Deposit Insurance Corporation;
- Allows applicants for a public adjuster apprenticeship license to qualify by two additional adjuster designations, Certified Adjuster and Certified Claims Adjuster;
- Changes recipient of notice from "named insured" to "first named insured" for certain insurance policy notices;
- Provides that when a cancellation request is made by the insured in writing, the effective date of cancellation is the date requested by the insured or the date of the request if no date is specified;
- Provides that requests for insurance-related information from self-insured corporations must be sent by certified mail to the registered agent of the disclosing entity;

- Exempts a service warranty entity from licensure requirements if the service warranties it offers are only offered, marketed, or sold to nonresidents of this state;
- Provides that workers' compensation premium audits are not required for workers' compensation coverage, except as provided for in the insurance policy, when ordered by the Office of Insurance Regulation, or upon request of the insured;
- Removes the requirement that an agent or carrier collect the first motor vehicle insurance premium payment by cash, check, or money order, even where automatic payroll deduction or electronic funds transfer has been authorized;
- Provides that certain classes of insurance and commercial lines risks are subject only to specific conditions of eligibility for exporting coverage, including issuance by a licensed and statutorily eligible surplus lines agent and signed disclosures from the insured acknowledging the surplus lines coverage is not protected under the Florida Insurance Guaranty Act; and
- Provides for the imposition of civil fines against persons who violate s. 817.234, F.S., and make false and fraudulent insurance claims for the purpose of receiving insurance proceeds from motor vehicle insurance contracts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

CS/HB 1121 - Financial Institutions

By: Insurance & Banking Subcommittee; Ingram

Tied Bills: None

Companion Bills: CS/SB 1332

Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Category: Banking

Keywords: Consumer Protection, Credit, Credit Union, Evaluations, Financial Disclosure, Investments, Lending, Loan, Savings, Trusts

The Office of Financial Regulation is responsible for administering the financial institution codes.

The bill authorizes the Office of Financial Regulation to appoint provisional directors if a bank or credit union lacks the minimum number of directors to meet statutory requirements, and appoint provisional executive officers if there is an insufficient number of qualified executive officers to operate the financial institution in a safe and sound manner. Current law does not provide for such provisional appointments.

The bill removes the requirement that the Office of Financial Regulation conduct its own evaluation of each state-chartered bank at least once during each 36-month period, thereby reducing potential duplication of activities by federal regulators. It allows the Office of Financial Regulation to enter into agreements with other appropriate state and federal regulatory agencies to facilitate the efficient utilization and coordination of resources in the examinations.

The bill also expands the actions that the Office of Financial Regulation can take under an emergency order regarding a failing financial institution. These include:

- Authorizing the direct or indirect acquisition of control of the failing institution;
- Appointing provisional directors, executive officers, or other employees; and
- Authorizing any other capital or liquidity restoration plan or action deemed prudent.

The bill authorizes the Office of Financial Regulation to grant prior approval of a bank charter which would remain inactive until the investor(s) acquire a troubled institution. By granting preliminary approval of a “shelf charter,” the pool of potential buyers for troubled institutions is expanded, potentially resulting in new equity capital available to bid on troubled institutions.

The bill provides for compliance with the federal Wall Street Reform and Consumer Protection Act which implements changes that affect the oversight and supervision of financial institutions. In doing so, it:

- Removes references to, or requirement for, reliance on credit ratings as regards a financial institution’s investment of funds. It replaces those provisions with a requirement that financial institutions establish written policies and procedures to evaluate the risks and benefits associated with authorized investments;
- Requires state-chartered credit unions and banks to take into account potential liabilities and obligations resulting from derivatives transactions, repurchase agreements, securities lending and borrowing transactions, credit default swaps, and similar contracts when considering loans or lines of credit; and
- Provides for de novo branching by an out-of-state bank and allows for establishment of additional branches by an out-of-state financial institution as though it was chartered in Florida.

The bill authorizes the Office of Financial Regulation to approve special stock offering plans to assist undercapitalized banks in raising capital. Plans could include such things as stock splits, revaluations of par value, and creation of new classes of stock. In addition, the bill clarifies the definition and functions of a “banker’s bank” to create uniformity with federal regulations.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/SB 1316 - Loan Processing

By: Budget Subcommittee on General Government Appropriations; Banking and Insurance; Detert

Tied Bills: None

Companion Bills: CS/CS/HB 823

Committee(s) of Reference: Banking and Insurance; Budget Subcommittee on General Government Appropriations; Budget

Category: Banking

Keywords: Broker, Lending, Loan, Mortgage, Realtor, Regulation

The Housing and Economic Recovery Act of 2008 was enacted on July 30, 2008. Title V of this act is titled the “Secure and Fair Enforcement for Mortgage Licensing Act of 2008” or “S.A.F.E.” The intent is to provide greater accountability and regulation of loan originators.

The Office of Financial Regulation is responsible for loan originator licensure and annual renewal. The process includes confirming completion of educational requirements, conducting criminal history background checks, and reviewing credit histories.

Normally, loan originators are prohibited from working for more than one mortgage broker or mortgage lender, whether as an employee or as an independent contractor. Current law provides an exception for “loan processors,” who are individuals licensed as loan originators but only performing clerical or support duties. In that role, they may contract with or be employed by multiple companies. S.A.F.E. requires licensure of contract loan processors as loan originators.

The bill distinguishes between in-house loan processors, who will no longer require licensure, and contract loan processors. It requires direction and supervision of an in-house loan processor by a state-licensed loan originator.

While retaining the requirement that a good faith estimate be provided to an individual applying for a mortgage loan, as required by S.A.F.E., the bill removes the requirement for the borrower to sign and date the good faith estimate.

The bill codifies a requirement of S.A.F.E. that a mortgage lender submit reports of mortgage activity and financial information to the Nationwide Mortgage Licensing System and Registry.

The bill provides that real estate brokers are not subject to licensure as loan originators unless they are compensated by a lender, mortgage broker, or other loan originator, or by an agent of such parties.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/SB 1816 - Surplus Lines Insurance

By: Budget; Budget Subcommittee on Finance and Tax; Banking and Insurance; Fasano and others

Tied Bills: None

Companion Bills: CS/CS/HB 1227

Committee(s) of Reference: Banking and Insurance; Budget Subcommittee on Finance and Tax; Budget

Category: Insurance, Taxes

Keywords: Surplus Lines, Regulation, Insurance, Rules

Surplus lines insurance refers to a category of insurance for which there is no market available through standard insurance carriers in the admitted market (insurance companies licensed to transact insurance in Florida). Surplus lines insurers are “unauthorized” or “nonadmitted” insurers, but are eligible to transact surplus lines insurance under the surplus lines law as “eligible surplus insurers”. The Florida Surplus Lines Service Office (Service Office) is statutorily directed to oversee the surplus lines industry in Florida. The Service Office is authorized to collect a premium receipts tax of 5 percent which is transferred to General Revenue and a service fee of up to 0.3 percent to pay the administrative and other costs associated with the office.

In 2010, federal legislation passed which altered the collection method of surplus lines premium taxes for multi-state risks. Federal law now requires taxes paid by insurers for multi-state risks to be remitted to the home state of the insured, as opposed to the state where the risk is located. Consequently, whereas before, Florida could tax the surplus lines insurance premiums of a company with a principal place of business in another state but had insurance coverage in Florida, the tax will now go to the home state of the insurer.

This bill changes the current collection method utilized in Florida to apply the surplus lines tax to the entire premium if the state is the home state of the insured as defined in Federal law. The tax rate is limited to the tax rate where an insured risk is located. The bill also authorizes the Department of Financial Services and the Office of Insurance Regulation to enter into cooperative reciprocal agreements with other states to collect and allocate nonadmitted insurance taxes for multistate risks pursuant to Federal law and to adopt rules. The reciprocal agreements must be implemented by the Service Office, which is authorized to collect the total tax imposed on a multi-state risk nonadmitted insurance premium. The Legislature may review any such agreement and may instruct the Chief Financial Officer to withdraw from an agreement if it determines that the agreement is not in the best interest of the state. The bill also requires a report to the President of the Senate and Speaker of the House of Representatives about the terms and conditions of the agreement.

The bill also provides that surplus lines agents and insurers that do not use agents to procure coverage will have 45 days after the end of the calendar quarter to file an affidavit describing transactions handled during that quarter and pay the required premium tax and fees.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 4081 (ch. 2011-11, L.O.F.) - Repeal of Obsolete Insurance Provisions

By: Horner

Tied Bills: None

Companion Bills: SB 636; CS/HB 4099

Committee(s) of Reference: Insurance & Banking Subcommittee; Economic Affairs Committee

Category: Insurance, Repeals of Existing Law

Keywords: Insurance, Sinkhole, Property, Citizens

This bill deletes outdated or obsolete language relating to the following insurance topics:

- The Florida Automobile Joint Underwriting Association pre-suit notice;
- A form filing for catastrophic ground cover collapse coverage;
- A report on the sinkhole database;
- A study on the feasibility of a facility for insuring sinkhole loss and other issues related to sinkhole loss;
- The effective date for the exclusion of windstorm and contents coverage in property insurance policies; and
- The transfer of funds from the State Board of Administration to Citizens Property Insurance Corporation relating to the Insurance Capital Build-Up Program.

The changes made by this bill are technical and not substantive.

The bill became law on April 27, 2011, chapter 2011-11, Laws of Florida, and becomes effective July 1, 2011.

HB 4129 (ch. 2011-12, L.O.F.) - Residential Property Structural Soundness Evaluation Grant Program

By: Crisafulli

Tied Bills: None

Companion Bills: SB 638

Committee(s) of Reference: Insurance & Banking Subcommittee; Economic Affairs Committee

Category: Insurance, Repeals of Existing Law

Keywords: Citizens, Property, Mitigation, Rules

The bill repeals s. 627.0629(8), F.S., which establishes a mitigation evaluation grant program for policyholders of Citizens Property Insurance Corporation (Citizens) insured in the high-risk account. Repealing s. 627.0629(8), F.S., will preclude certain policyholders of Citizens from receiving grants from the state to use to pay for a mitigation inspection. However, no funding has been provided by the state since the program's authorization in 1997.

The bill became law on April 27, 2011, chapter 2011-12, Laws of Florida, and becomes effective July 1, 2011.

HB 4181 (ch. 2011-13, L.O.F.) - Prohibited Activities of Citizens Property Insurance Corporation

By: Davis

Tied Bills: None

Companion Bills: SB 634

Committee(s) of Reference: Insurance & Banking Subcommittee; Economic Affairs Committee

Category: Insurance, Repeals of Existing Law

Keywords: Citizens, Insurance, Property

In 2006, the Legislature created the Insurance Capital Build-Up Incentive Program (Capital Build-Up Program or program) within the State Board of Administration to provide insurance companies a low-cost source of capital to write additional residential property insurance. The program's goal was to increase the availability of residential property insurance covering the risk of hurricanes and to ease residential property insurance premium increases. To accomplish its goal, the program loaned state funds in the form of surplus notes to new or existing authorized residential property insurers under specified conditions. The insurers, in turn, agreed to write additional residential property insurance in Florida and to contribute new capital to their company.

The Legislature appropriated \$250 million in nonrecurring General Revenue to the program at its inception in 2006. By June 2007, the entire 2006 legislative appropriation for the program was exhausted (\$247.5 million in loans and \$2.5 million in administrative costs).

CS/CS/SB 2860, enacted in 2008, required the Citizens Property Insurance Corporation (Citizens) to transfer \$250 million to the General Revenue Fund by December 15, 2008. The 2008 General Appropriations Act contained a contingent appropriation of \$250 million to the State Board of Administration for additional funding for the Capital Build-Up Program. The appropriation was contingent upon Citizens transferring \$250 million to the General Revenue Fund. Citizens did not transfer any money to the General Revenue Fund due to a line item veto by then Governor Crist which eliminated transfer.

One provision in CS/CS/SB 2860, enacted in 2008 (s. 215.55951, F.S.), precluded Citizens from increasing rates or assessments due to the \$250 million transfer from Citizens to the Capital Build-Up Program. Another provision precluded Citizens from increasing rates or assessments due to changes to the program made by the bill. These provisions were not vetoed by Governor Crist. This bill repeals s. 215.55951, F.S. which precludes Citizens from increasing rates or assessments due to the \$250 million transfer of funds to the Capital Build-Up Program in 2008 or due to changes to the program contained in CS/CS/SB 2860.

The bill became law on April 27, 2011, chapter 2011-13, Laws of Florida, and becomes effective July 1, 2011.

Transportation & Highway Safety Subcommittee

CS/CS/CS/CS/HB 283 - Seaports

By: Economic Affairs Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Transportation & Highway Safety Subcommittee; Young and others

Tied Bills: None

Companion Bills: CS/SB 524, includes parts of HB 755, CS/CS/CS/HB 1363, HB 5015, HB 7097, SB 436, SB 932, SB 2104

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Economic Affairs Committee

Category: Law Enforcement, Transportation

Keywords: Ports, Regulation, Business

The bill removes duplicative requirements between federal and state seaport security standards.

Florida's Minimum Seaport Security Standards

Federal law requires seaports to comply with security plans which are reviewed and approved by the U.S. Coast Guard.

In 2000, the Legislature introduced regulation of seaports that benefited from public financing and provided for a statewide seaport security plan, as well as individual plans at each public port, criminal background checks of employees, and unannounced inspections by the Florida Department of Law Enforcement.

The bill removes the statewide minimum security standards, and authorizes seaports to implement security measures that are more stringent, more extensive, or supplemental to the applicable federal seaport security regulations. The bill deletes the requirement for each seaport to update and revise its security plan every five years, and instead requires periodic revisions to the security plan to ensure compliance with applicable federal security regulations. The bill deletes the requirement for the Florida Department of Law Enforcement to conduct an annual unannounced security inspection of each seaport to determine if it meets the state's seaport security standards. The bill also removes references to the Florida Department of Law Enforcement or a seaport's security director designating a period of high terrorist threat level, since they do not have the legal authority to do so.

Access to Secure and Restricted Areas on Seaports

The Florida Department of Law Enforcement is required to implement and administer a seaport Access Eligibility Reporting System for employees seeking access to secure and restricted areas of a seaport. A person seeking such access must submit to a fingerprint-based criminal history check, and must possess a federal Transportation Worker Identification Credential. The Transportation Worker Identification Credential holder must execute an affidavit that indicates the following:

- The Transportation Worker Identification Credential is currently valid and in full force and effect;
- The Transportation Worker Identification Credential was not received through the waiver process for disqualifying criminal history allowed by Federal law; and

- The applicant has not been convicted of any state-designated disqualifying felony offense.

The bill removes the requirement that the Florida Department of Law Enforcement administer the Access Eligibility Reporting System, and deletes the requirement that employees submit to a state criminal history check. The bill also removes the authority for the Florida Department of Law Enforcement and each seaport to establish waiver procedures or to grant immediate temporary waivers to allow unescorted access to a seaport.

The bill provides that, beginning July 1, 2013, a seaport may not charge a fee for a seaport-specific access credential issued in addition to the federal Transportation Worker Identification Credential, unless the individual seeking to gain secured access is a new hire, or the individual has lost or misplaced his or her federal Transportation Worker Identification Credential. The bill prohibits seaports from charging a fee for the administration or production of any access control credential that requires or is associated with a fingerprint-based background check, in addition to the fee for the Transportation Worker Identification Credential.

Seaport Security Standards Advisory Council

Section 311.115, F.S., creates the Seaport Security Standards Advisory Council under the Office of Drug Control. The council consists of 14 unpaid members who represent a wide range of interests related to seaport security. The council convenes at least every four years to review the minimum seaport security standards for applicability to and effectiveness in combating current narcotics and terrorism threats to Florida's seaports. The recommendations and findings of the council must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill repeals the Seaport Security Standards Advisory Council.

Current law establishes the Florida Seaport Transportation and Economic Development Council (council) within the Department of Transportation. The bill includes Port Citrus in the council and provides that, until July 1, 2014, Citrus County may apply for a grant through the council to perform a feasibility study regarding the establishment of a port in Citrus County. The council is to evaluate the application in the same manner that it evaluates other projects. If Florida Seaport Transportation and Economic Development Council approves the project, the Department of Transportation is required to include it in its legislative budget request for the Florida Seaport Transportation and Economic Development grant program. If the study determines that a port in Citrus County is not feasible, Port Citrus' membership on the Florida Seaport Transportation and Economic Development Council terminates.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/HB 399 - Infrastructure Investment

By: Economic Affairs Committee; State Affairs Committee; Transportation & Highway Safety Subcommittee; Ray and others

Tied Bills: None

Companion Bills: CS/CS/CS/SB 768, includes parts of CS/CS/CS/HB 991, HB 1153, SB 1718

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; State Affairs Committee; Economic Affairs Committee

Category: Economic Development, Environmental Protection, Natural Resources, Transportation

Keywords: Environment, Ports, Regulation, Business, Job Creation, Growth, Investments, Local Governments, Permits, Pollution, Submerged Lands

Department of Transportation

The bill directs the Department of Transportation secretary to designate to an assistant secretary duties related to enhancing economic prosperity, including the responsibility to liaison with the Governor's head of economic development. This assistant secretary will be responsible for providing the Office of the Governor with investment opportunities and transportation projects that expand the state's role as a global hub for trade and investment, and enhance the state's supply chain used in processing, assembling, and shipping goods to western hemisphere markets.

The Florida Seaport Transportation and Economic Development Council

The Florida Seaport Transportation and Economic Development Council (council) is created within the Department of Transportation, and is required to develop a five-year Florida Seaport Mission Plan defining goals and objectives concerning the development of port facilities and an intermodal transportation system. The bill requires the council to develop a list of priority projects consistent with the Mission Plan, and submit the list to the Department of Transportation.

Port Strategic Plans

The bill requires each port to create a port strategic plan with a 10-year horizon. Each plan must include:

- An economic development component identifying targeted business opportunities for increasing business and attracting new business for which a particular facility has a strategic advantage over its competitors, identifying financial resources and other inducements to encourage growth of existing business and acquisition of new business, and providing a projected schedule for attainment of the plan's goals;
- An infrastructure development and improvement component identifying all projected infrastructure improvements within the plan area which require improvement, expansion, or development in order for a port, airport, or railroad to attain a strategic advantage for competition with national and international competitors;
- A component identifying all intermodal transportation facilities which are available or have potential to be available for necessary national and international commercial linkages, and providing a plan for the integration of port, airport and railroad activities with existing and planned transportation infrastructure;
- A component that identifies physical, environmental, and regulatory barriers to achieving the plan's goals and provides recommendations for overcoming those barriers; and

- An intergovernmental coordination element specifying modes and methods to coordinate plan goals and missions with the missions of the Department of Transportation, other state agencies, and affected local general-purpose governments.

To the extent feasible, port strategic plans must be consistent with local government comprehensive plans. Upon approval of a plan by the port's board, the plan is to be submitted to the Florida Seaport Transportation and Economic Development Council. The council is required to review the strategic plans and prioritize strategic needs to be included in the Florida Seaport Mission Plan.

Florida Transportation Plan

The Department of Transportation is required to develop and annually update the Florida Transportation Plan, which considers the entire state transportation system and examines the use of all modes of transportation to effectively and efficiently meet such needs. The purpose of the Florida Transportation Plan is to establish and define the state's long-range transportation goals and objectives based upon the prevailing principles of:

- Preserving the existing transportation infrastructure;
- Enhancing Florida's economic competitiveness; and
- Improving travel choices to ensure mobility.

The bill creates a fourth prevailing principle, that of "expanding the state's role as a hub for trade and investment." The bill provides that the Florida Transportation Plan must consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet these needs.

Strategic Intermodal System

In 2003, the Legislature established the Strategic Intermodal System Plan to enhance Florida's economic prosperity and competitiveness. The system encompasses transportation facilities of statewide and interregional significance and is focused on the efficient movement of passengers and freight. The Strategic Intermodal System and emerging Strategic Intermodal System include the following types of facilities:

- Existing and planned hubs that are ports and terminals serving to move goods or people between Florida regions or between Florida and other markets;
- Existing or planned corridors connecting major markets within Florida or between Florida and other states and nations; and
- Existing or planned intermodal connectors serving as connectors between the components listed above.

The bill adds, "existing or planned facilities that significantly improve the state's competitive position to compete for the movement of additional goods into and through the state," as an additional type of facility that comprises the Strategic Intermodal System and emerging Strategic Intermodal System.

Port Planning and Regulatory Requirements

A port conceptual permit constitutes the state's conceptual certification of a port's compliance with federal Clean Water Act regulations and the state's conceptual determination that the project is consistent with Florida's coastal zone management program. Conceptual permits may be issued for a period of up to 20 years and provide for one additional extension of 10 years.

The bill amends the port conceptual permit statutes to clarify and expedite several permitting provisions. The bill provides that:

- The Department of Environmental Protection must approve or deny a port conceptual permit application within 60 days;
- The Department of Environmental Protection may only request additional information on a port conceptual permit application twice, unless the applicant waives this limitation in writing; and
- If a non-applicant petitions as a third party to challenge The Department of Environmental Protection's issuance of a port conceptual permit, the petitioner has the burden of ultimate persuasion and has the burden of going forward with the evidence.

The bill adds a general exemption to current statutes relating to the management and storage of surface waters. The bill provides that overwater piers, docks and similar structures located in a deepwater port are not considered part of a stormwater management system for which stormwater treatment is required if the port has a Stormwater Pollution Prevention Plan (Plan) pursuant to the National Pollutant Discharge Elimination System Program which addresses the industrial activities conducted on all impervious overwater piers, docks and similar structures located in the port, and the plan provides similar pollution prevention measures for other activities that occur on overwater piers, docks and similar structures.

The bill provides that a permit is not required for maintenance dredging conducted by the seaports or by inland navigation districts, provided that no more dredging is to be performed than is necessary to restore previously dredged areas to original design specifications or configurations, previously undisturbed natural areas are not significantly impacted, and the work conducted does not violate the protections for manatees under current law.

The bill amends provisions relating to the discharge of return waters to provide that the point of discharge is into receiving waters. It also provides that ditches, pipes and similar types of linear conveyances may not be considered receiving waters.

Current law provides that the state may not charge the port or navigation district for material removed in maintenance dredging. The bill grants consent to use any sovereignty submerged lands, in carrying out such dredging.

The bill provides that spoil material from maintenance dredging done by the ports is authorized to be deposited in a self-contained, upland disposal site. The site, if in existence as of January 1, 2011, does not require a permit if:

- A Professional Engineer certifies the site;
- The site has adequate capacity to receive and retain the dredged material; and
- There are operating and maintenance procedures established that allow for discharge of return flow of water and that prevent the escape of the spoil material into the waters of the state.

Notice of intent to use this exemption must be provided to the Department of Environmental Protection at least 30 days prior to commencement of maintenance dredging.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 431 - Driver's Licenses and Identification Cards

By: Sands and others

Tied Bills: None

Companion Bills: SB 904

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Category: Motorists, Transportation

Keywords: Auto, Driver Licenses, Veteran

The bill requires driver license and identification card applications and renewals to include a \$1 check-off to the Disabled American Veterans, Department of Florida, a non-profit 501(c)(3) organization. Voluntary check-off boxes will be added to the Department of Highway Safety & Motor Vehicles' application forms, and any contributions will be transferred by the Department to the Disabled American Veterans.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 437 - Motor Vehicle Licenses

By: Transportation & Highway Safety Subcommittee; Holder

Tied Bills: None

Companion Bills: CS/SB 740

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; Economic Affairs Committee

Category: Transportation

Keywords: Auto, Business

This bill addresses issues related to ss. 320.60 – 320.70, F.S., commonly referred to as the Florida Automobile Dealers Act (act). The bill amends s. 320.6992, F.S., to provide that the provisions of the act, including any amendments thereto, apply to all existing or subsequently-established motor vehicle distribution systems in Florida, unless such application would impair valid contractual agreements in violation of the State or Federal Constitution.

The bill also amends s. 320.6992, F.S., to provide that the act, including any amendments which have been or may be from time to time adopted unless the amendment specifically provides otherwise, shall govern all agreements renewed, amended, or entered into subsequent to October 1, 1988.

The bill amends s. 320.60(14), F.S., to revise the term “line-make vehicles” to provide an exception that motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when they are included in a single franchise agreement, and every motor vehicle dealer in Florida authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

HB 501 - Choose Life License Plates

By: Baxley and others

Tied Bills: None

Companion Bills: CS/CS/SB 196

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Category: Motorists, Transportation

Keywords: Auto, License Plates, Adoption

The bill provides that annual use fees from the sale of “Choose Life” specialty license plates are to be distributed directly from the Department of Highway Safety & Motor Vehicles to Choose Life, Inc., a Florida non-profit corporation, along with a report that specifies the ratio that each county’s fees bear in relation to the total amount collected.

Choose Life, Inc., shall distribute each county’s share to nongovernmental, non-profit agencies within that county that assist pregnant women who are making an adoption plan for their children. The bill

modifies the permitted uses of such funds to allow expenditures related to the mother of a child intended to be placed for adoption for up to 60 days after the birth of the child.

If no qualified agency applies for the funds in a given county, that county's funds will be distributed to qualified agencies that have a place of business within a 100-mile radius of the county seat of the county. If no qualified agencies apply, the funds shall be held by Choose Life, Inc., until a qualified agency does apply.

The bill allows Choose Life, Inc., to spend up to 15 percent of the annual use fees collected by sales of the specialty license plate on administration and promotion of the plate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 689 - Driver Education and Testing

By: Economic Affairs Committee; Transportation & Highway Safety Subcommittee; Berman and others
Tied Bills: None

Companion Bills: CS/SB 1974

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; Economic Affairs Committee

Category: Motorists, Transportation

Keywords: Auto, Drivers Education, Driver Licenses

This bill addresses issues relating to driver's license examination content, the curricula of driver improvement courses, and third-party administration of learner's driver's license tests, including online testing.

The bill requires driver improvement schools and traffic law education programs to include course content regarding the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. The bill also requires driver's license exams and commercial driver's license exams to include one question testing the applicant's knowledge of traffic regulations to assist blind persons.

The bill also amends s. 322.56, F.S., to provide that applicants for a learner's driver's license shall have the ability to take the necessary written examination via a third-party provider. The bill provides certain requirements for third-party online testing programs. The applicant's parent, guardian or other responsible adult must provide the third-party administrator with his or her driver's license number, and must provide the Department of Highway Safety & Motor Vehicles (Department) with an affidavit stating that the person was aware of and allowed the applicant to take the examination online, before the Department issues the learner's driver's license.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 782 - Fallen Officers Memorial/Road Designations

By: Transportation; Latvala and others

Tied Bills: None

Companion Bills: CS/CS/HB 601

Committee(s) of Reference: Transportation; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Budget; Rules

Category: Law Enforcement, Transportation

Keywords: Roads, Memorials

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. This bill makes the following designations and directs the Department of Transportation to erect suitable markers for each of these designations:

- State Road 687 in Pinellas County from I-275 to I-175 as “Sgt. Thomas J. Baitinger, Officer Jeffrey A. Yaslowitz, and Officer David S. Crawford Memorial Highway;” and
- State Road 583/North 50th Street in Hillsborough County from Melbourne Blvd/East 21st Avenue to State Road 574/Martin Luther King Jr., Blvd as “Officer Jeffrey A. Kocab and Officer David L. Curtis Memorial Highway.”

The legislative designations do not “officially” change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses or 911 emergency telephone-number system listings.

This bill was approved by the Governor on May 5, 2011, and becomes effective July 1, 2011.

HB 1165 - Driver’s Licenses and Identification Cards

By: Holder and others

Tied Bills: None

Companion Bills: SB 1190

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Category: Military, Motorists, Transportation

Keywords: Auto, Driver Licenses, Veteran

This bill permits a veteran to request a capital “V” be displayed on his or her driver’s license or identification card. In order to receive this capital “V” on either of these documents, the bill requires a veteran to present his or her DD Form 214 to the Department of Highway Safety & Motor Vehicles, along with an additional \$1 fee.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

HB 4019 (ch. 2011-9, L.O.F.) - Traffic Offenses

By: Workman

Tied Bills: None

Companion Bills: SB 1630

Committee(s) of Reference: Transportation & Highway Safety Subcommittee; Economic Affairs Committee

Category: Motorists, Repeals of Existing Law, Transportation

Keywords: Auto, Highway Safety, Traffic

The bill repeals s. 316.2024, F.S., which prohibits the driver of a motor vehicle from travelling on a downgrade with the vehicle's gears in neutral or the clutch disengaged.

The bill became law on April 27, 2011, chapter 2011-9, Laws of Florida, and became effective upon becoming law.

HOUSE OF REPRESENTATIVES

Education Committee

Representative William Proctor, Chair

Representative H. Marlene O'Toole, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



K-20 Competitiveness Subcommittee

Representative Erik Fresen, Chair

Representative Janet Adkins, Vice Chair

K-20 Innovation Subcommittee

Representative Kelli Stargel, Chair

Representative Eduardo Gonzalez, Vice Chair

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Education Committee

The Education Committee was not first reference on any bill that passed both houses of the Legislature.

K-20 Competitiveness Subcommittee

CS/SB 84 - Community Colleges

By: Higher Education; Lynn and others

Tied Bills: None

Companion Bills: CS/HB 35

Committee(s) of Reference: Higher Education; Budget Subcommittee on Higher Education

Appropriations; Budget

Category: Higher Education

Keywords: College

A Florida College System institution that has been authorized to grant baccalaureate degrees must seek statutory codification to change its name and use the designation "college" or "state college." The bill codifies the change of the name of "Gulf Coast Community College" to "Gulf Coast State College," "Pensacola Junior College" to "Pensacola State College," "St. Johns River Community College" to "St. Johns River State College," and "Valencia Community College" to "Valencia College."

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 395 - University of Florida J. Hillis Miller Health Center

By: Education Committee; K-20 Competitiveness Subcommittee; O'Toole and others

Tied Bills: None

Companion Bills: SB 626

Committee(s) of Reference: K-20 Competitiveness Subcommittee; Education Committee

Category: Higher Education

Keywords: Hospital

The bill extends sovereign immunity to certain entities associated with the University of Florida.

Specifically, the bill:

- Identifies the not-for-profit corporations that operate the University of Florida teaching hospitals at Gainesville and Jacksonville: Shands Teaching Hospital and Clinics, Inc.; Shands Jacksonville Medical Center, Inc.; and Shands Jacksonville HealthCare, Inc.;
- Establishes that the primary purpose of these entities is to support the University of Florida Board of Trustees' health affairs mission;
- Provides that Shands Teaching Hospital and Clinics, Inc.; Shands Medical Center, Inc.; and Shands Jacksonville HealthCare, Inc.; and any not-for-profit subsidiary which directly delivers health care services "shall be conclusively deemed corporations primarily acting as instrumentalities of the state" for purposes of sovereign immunity;

- Requires an audit of the financial statements of the entities that qualify for sovereign immunity. The audited financial statements are provided to the University of Florida Board of Trustees which then submits those statements to the Auditor General;
- Authorizes the University of Florida Board of Trustees, acting through the President of the University or his or her designee, to control Shands Jacksonville Medical Center, Inc.; Shands Jacksonville HealthCare, Inc.; Shands Teaching Hospital and Clinics, Inc.; and the not-for-profit subsidiaries which directly deliver health care services; and
- Authorizes the University of Florida Board of Trustees to provide general and professional liability insurance to affiliates of Shands Teaching Hospital and Clinics, Inc.; any successor corporation that acts in support of the board of trustees; Shands Jacksonville Medical Center, Inc.; and to any of the not-for-profit subsidiaries and affiliates of Shands Jacksonville Medical Center, Inc.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, and shall apply to causes of action accruing on or after July 1, 2011.

CS/CS/SB 736 (ch. 2011-1, L.O.F.) - Education Personnel

By: Budget; Education Pre-K - 12; Wise and others

Tied Bills: None

Companion Bills: CS/HB 7019

Committee(s) of Reference: Education Pre-K - 12; Budget Subcommittee on Education Pre-K - 12

Appropriations; Budget

Category: Education

Keywords: Charter Schools, Evaluations, Merit Pay, Principals, School, School Board, Students, Teacher Tenure, Teachers

The bill revises the law regarding educator performance evaluations, salary schedules, and contracts.

The bill requires instructional personnel and school administrator performance evaluations to differentiate among four levels of performance: highly effective; effective; needs improvement/developing; and unsatisfactory. The State Board of Education must adopt rules establishing uniform standards for each performance level. Instructional personnel and school administrators must be evaluated annually, except that newly hired classroom teachers must be evaluated at least twice in their first year.

Student learning growth must comprise at least 50 percent of instructional personnel and school administrator performance evaluations. The remaining portion of the evaluation for instructional personnel will be based upon instructional practice criteria and, for school administrators, instructional leadership criteria, recruitment and retention of effective or highly effective classroom teachers and school-level improvements in the percentage of such teachers, and execution of evaluation duties. The State Board of Education and district school boards may adopt additional performance criteria based upon employee job responsibilities.

Measurement of student learning growth must be based upon students assigned to instructional personnel and school administrators over three school years. If less than three years of data is available, the weight attributed to student learning growth may be reduced. Student learning growth for students assigned to classroom teachers will be measured by statewide assessments or, for subjects and grades not tested by statewide assessments, school district-selected assessments. Student learning growth for students assigned to other instructional personnel will be measured by statewide assessments, with flexibility to also use measurable student outcomes unique to the personnel assignment. Student learning growth for a school administrator will be based upon learning growth data for students assigned to the school.

Beginning with the 2014-15 school year, each school district must adopt a rigorous student assessment for each course it offers. School districts may use statewide assessments, other standardized assessments, industry certification examinations, and district-developed or -selected assessments. The Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments, such as developing test item banks and facilitating the sharing of assessments among districts.

By June 1, 2011, the Commissioner of Education must approve a student learning growth formula for the Florida Comprehensive Assessment Test (FCAT) and formulas for other statewide assessments will be selected as these assessments are implemented. Beginning with the 2014-15 school year, school districts must adopt student learning growth formulas for assessments of subjects and grades not tested by statewide assessments. The Department of Education (DOE) must provide student learning growth models which school districts may adopt for this purpose.

Factors such as student attendance, disability, and English proficiency must be considered in developing student learning growth formulas. Formulas must consider each student's prior performance and learning growth over time. A student's prior performance will be compared to performance in the year assigned to the employee. Different expectations may not be established for students based upon gender, race, ethnicity, or socioeconomic status.

Among other reporting requirements, school districts must annually report instructional personnel and school administrator performance evaluation ratings to the Department of Education. The Department of Education must annually report these ratings to the Governor and Legislature and post on its website the number and percentage of classroom teachers, other instructional personnel, and school administrators receiving each performance rating. Additionally, districts must annually notify parents regarding their child's assignment to a classroom teacher or school administrator whose performance evaluations indicate repeated ineffective performance.

Each district school board must adopt a performance salary schedule for instructional personnel and school administrators by July 1, 2014. Annual salary adjustments may only be given to employees rated effective or highly effective on annual performance evaluations. The salary adjustment for highly effective performance must be greater than the highest annual salary adjustment available through any other salary schedule adopted by the school district. If provided, salary supplements must be awarded to instructional personnel and school administrators who are assigned to Title I or chronically low-performing schools, certified and teaching in a critical teacher shortage area, or assigned additional academic responsibilities.

The performance salary schedule applies to instructional personnel and school administrators hired on or after July 1, 2014, and instructional personnel on annual contracts as of July 1, 2014. Instructional personnel on continuing or professional service contracts are not required to move to the performance salary schedule, but may opt in at any time. Employees who opt in must relinquish their continuing or professional service contract for an annual contract and must remain on the performance salary schedule. If budget constraints limit a school board's ability to fully fund all adopted salary schedules, the bill prohibits the board from disproportionately reducing the performance salary schedule.

The bill prohibits the use of advanced degrees in setting base salary for instructional personnel and school administrators hired on or after July 1, 2011; however, salary supplements may be awarded for advanced degrees in an individual's area of certification. If funds are available, districts may provide annual cost of living adjustments.

Effective July 1, 2011, the bill discontinues the issuance of new professional service contracts to instructional personnel. Newly hired instructional personnel and instructional personnel who have not yet received a professional service contract may only be issued annual contracts. The first annual contract for newly hired instructional personnel is a one-year probationary contract, which may be terminated without cause or the employee may resign without breach of contract. Upon successful completion of the one-year probationary contract, district school boards may award subsequent annual contracts if the employee is certified, recommended by the superintendent based upon his or her performance evaluation, and approved by the district school board. "Newly hired instructional personnel" include employees new to the profession or employees with experience who are new to the school district.

The bill establishes performance-based criteria for the award of annual contracts, renewal of professional service contracts, and "just cause" suspension and dismissal of professional service contract employees. The bill authorizes a school principal to refuse the placement or transfer of instructional personnel who are not rated effective or highly effective. When making reductions in force, employees with the lowest performance evaluation ratings must be released before higher-rated employees. A district school board may not prioritize retention of employees based upon seniority.

Effective July 1, 2011, the bill repeals local tenure acts applicable to public school instructional personnel and school administrators. The bill requires charter schools and academically high-performing school districts to comply with performance evaluation, salary, and contracting reforms and provides an exemption for school districts that meet certain requirements.

The bill became law on March 24, 2011, chapter 2011-1, Laws of Florida, and becomes effective July 1, 2011, except as otherwise specified.

HB 797 - Interscholastic and Intrасcholastic Sports

By: Perry

Tied Bills: None

Companion Bills: SB 1000

Committee(s) of Reference: K-20 Competitiveness Subcommittee; PreK-12 Appropriations Subcommittee; Education Committee

Category: Education

Keywords: High School Sports, School

The bill expands statewide, a two-year pilot program that allowed private middle school and high school students in Bradford County, Duval County, and Nassau County school districts to participate in interscholastic or intrасcholastic sports at a public school zoned for the address of the participating student if that private school was not a member of the Florida High School Athletic Association (FHSAA) and did not offer an interscholastic or intrасcholastic athletic program. The statewide implementation of the athletic program limits participation to students from non- Florida High School Athletic Association member private middle schools and high schools that have 125 or fewer students in any given year.

In order to participate in the athletic program, parents of a student attending a non- Florida High School Athletic Association member private school must register with the assigned public school their intent, in writing, for their child to participate in a specific sport. The parents must also be responsible for transportation of their child to athletic events.

Students must apply to participate in the athletic program through the Florida High School Athletic Association program application process. They must meet the same standards of eligibility that apply to public school and Florida High School Athletic Association member private school students. In addition, the bill requires these students to remain enrolled at the school in which they first registered to continue participating in the athletic program during each academic year.

The bill requires the athletic director at each participating Florida High School Athletic Association member public school to maintain eligibility, compliance, and participation records for students in the program. A non- Florida High School Athletic Association member private school that has a student who wishes to participate in the athletic program must make all student records, including academic, financial, disciplinary, and attendance records, available to the Florida High School Athletic Association , upon request.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 1255 - Education Accountability

By: Education Committee; K-20 Competitiveness Subcommittee; Adkins

Tied Bills: None

Companion Bills: CS/CS/SB 1696; includes part(s) of HB 937; CS/CS/SB 1254; HB 1341; SB 1832; CS/SB 1844; SB 1678; CS/SB 1996; SB 2026; CS/HB 7087

Committee(s) of Reference: K-20 Competitiveness Subcommittee; Education Committee

Category: Education

Keywords: Graduation, Principals, Scholarships, School Board, School Grades, Students, Teachers, Testing, Virtual, Virtual Learning, Voluntary Pre-K

The bill amends various provisions of the law related to public school accountability, including the Voluntary Prekindergarten Program, students with disabilities, statewide assessments, school grades, and instructional programs.

More specifically, the bill addresses the following provisions related to the Voluntary Prekindergarten Program:

- Revises requirements for a good cause exemption for a Voluntary Prekindergarten provider who fails to meet minimum readiness rates;
- Removes the requirement that no more than 15 percent of Voluntary Prekindergarten providers may fall below the minimum readiness rate;
- Requires that a Voluntary Prekindergarten provider be placed on probation if the provider fails to meet the minimum kindergarten readiness rates established by the State Board of Education and removes the requirement that a Voluntary Prekindergarten provider must fail two consecutive years before being put on probation;
- Authorizes nonpublic schools to administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the Voluntary Prekindergarten program;
- Requires parents who enroll their child in a Voluntary Prekindergarten program offered by a provider seeking a good cause exemption to submit their child for the state-approved prekindergarten enrollment screening; and
- Authorizes a child to reenroll in a Voluntary Prekindergarten program more than once, if granted a good cause exemption.

The bill addresses several provisions related to students with disabilities:

- Requires the Department of Education to review and revise the descriptions of services and supports included in the matrix of services for exceptional students. The revisions must be implemented by the 2012-13 school year;
- Requires that an incident report regarding the use of restraint or seclusion on a student with disabilities include age, grade, and ethnicity and requires school districts to adopt policies regarding training for the use of restraint and seclusion;
- Establishes that a student who enters a Department of Juvenile Justice detention center for no more than 21 days maintains his or her John M. McKay Scholarship;
- Defines an auditory oral education program and adds auditory oral education programs to the types of school choice options that may be provided by school districts;

- Adds to the special education services that may be provided to a child with disabilities, services by a certified listening and spoken language specialist for children who are deaf or hard of hearing and have received an implant or assistive hearing device; and
- Provides for the waiver of End-of-Course assessment results for a middle school student with disabilities, if the individual education plan team determines that the End-of-Course cannot accurately measure the student's abilities.

The bill addresses the following provisions related to statewide assessments:

- Allows the middle school principal to determine, based upon State Board of Education rule, whether a student that transfers into the school must take the End-of-Course assessment in civics if the student has successfully completed a civics course;
- Allows a middle school or high school student scoring a level 1 or 2 on the reading portion of the Florida Comprehensive Assessment Test (FCAT) to receive an exemption from the required intensive reading course if that student did not score below a level 3 in the previous three years on Florida Comprehensive Assessment Test Reading and the student has an approved academic improvement plan signed by the school and parent;
- Deletes the requirement that students who earned high school credit in Algebra I while in grades 6 through 8 during the 2007-08 school year through the 2009-10 school year must take the Algebra I End-of-Course assessment in the 2010-11 school year;
- Allows the Commissioner of Education, under exigent circumstances, to extend the date by which Florida Comprehensive Assessment Test and End-of-Course assessment scores are reported;
- Eliminates the three week End-of-Course administration window; and
- Requires high schools to evaluate the college readiness of each student who scores a certain level on statewide assessments before grade 12 and requires the schools to provide and the students to complete the appropriate postsecondary preparatory instruction.

The bill establishes the following requirements related to school grades:

- Requires that the school grade used in determining a student's eligibility for the Opportunity Scholarship Program and for designating school improvement categories (generally referred to as differentiated accountability) be based upon student performance on statewide assessments;
- Requires that, beginning with the 2011-2012 school year, a middle school's grade include student performance and participation in high school level courses with End-of-Course assessments and requires that performance and participation be equally weighted and requires that middle school grades include student attainment of national industry certification; and
- Requires that achievement scores and learning gains of students designated as hospital or homebound be assigned to their home school.

The bill addresses the following provisions related to instructional programs:

- Authorizes school districts to develop and implement a digital curriculum for students in grades 6 through 12;
- Requires school districts to include plans to implement a middle school career and professional academy (academies) in their strategic five-year plans and revises requirements for existing academies;

- Requires academies to discontinue enrollment of new students if the passage rate on the industry certification exam associated with the academy is less than 50 percent;
- Eliminates the requirement that a student choose the 18 credit accelerated graduation option no later than grade 9 and allows a student to choose this graduation option at any time while enrolled in high school;
- Authorizes school districts to select pre and post methods for determining student learning gains for supplemental educational service providers, but the selection must be made no later than September 1, 2011; and
- Requires an assistive technology assessment be completed within 60 school days after an individual education plan team recommends a student with disabilities receive such assessment.

The bill also:

- Removes the requirement that the Commissioner of Education review annual operating budgets for each school district and Florida College System institution and also removes the requirement that the Department of Education approve the budgets of district school boards;
- Requires school boards to post on their website their plain language version of each proposed, tentative, and official budget and encourages school boards to post additional information regarding school budget hearings, school board meetings and workshops, and union contracts;
- Prohibits school board members and their relatives from directly or indirectly soliciting any gift and from directly or indirectly receiving any gift more than \$50 from any person, vendor, potential vendor, or other entity doing business with the school district;
- Changes the requirement that students be provided access to Florida Virtual School courses “during or after” the school day to “during and after” the school day and removes obsolete language stating that the Florida Virtual School is administratively housed in the Department of Education;
- Changes the approval period for School District Virtual Instruction Program providers from “three years from the date of approval” to “three school years after the date of approval;” and
- Requires that non-degreed teachers of career education programs attain national or state industry certification as available and applicable as a teaching requirement and authorizes districts to establish alternative qualifications for teachers who hold industry certificates in the career areas in which they teach.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

K-20 Innovation Subcommittee

SB 228 - Code of Student Conduct**By: Siplin****Tied Bills: None****Companion Bills: HB 61****Committee(s) of Reference: Education Pre-K - 12; Judiciary; Budget****Category: Education****Keywords: Dress Code, High School Sports, Principals, School, School Board, Students**

The bill requires school districts to include within their code of student conduct provisions relating to appropriate dress. Additionally, school boards must adopt a dress code policy prohibiting students from wearing clothing which exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment during the school day while on school grounds.

Moreover, the bill requires the code of student conduct to prescribe the following consequences for violations of the dress code policy:

- First offense: verbal warning and the school principal shall call the student's parent or guardian;
- Second offense: ineligibility to participate in any extracurricular activity for at most five days and a meeting between the student's parent or guardian and the principal;
- Third offense: in-school suspension pursuant to section 1003.01(5)(b), F.S., for a maximum of three days; ineligibility to participate in extracurricular activities for a maximum of thirty days; and the principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

The bill also makes adherence to appropriate dress and other codes of student conduct policies a prerequisite for participation in interscholastic extracurricular activities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1329 - John M. McKay Scholarships for Students with Disabilities Program

By: K-20 Innovation Subcommittee; Bileca and others

Tied Bills: None

Companion Bills: CS/SB 1656

Committee(s) of Reference: K-20 Innovation Subcommittee; PreK-12 Appropriations Subcommittee; Education Committee

Category: Education

Keywords: Disability, Scholarships, School, Students

Currently, the John M. McKay Scholarships for Students with Disabilities Program provides a student with a disability who has a current Individual Education Plan the option to attend a public school other than the one to which the student is assigned or provides a scholarship to a private school of choice.

The bill expands eligibility for the John M. McKay Scholarships for Students with Disabilities Program to students who have been issued an accommodation plan under Section 504 of the Rehabilitation Act of 1973 (504 accommodation plan) that is longer than six months in duration. The amount of the scholarship for a student with a 504 accommodation plan is calculated based upon the program cost factor the student generates through the Florida Education Finance Program. The amount of the scholarship is the lesser of the calculated amount or the amount of the private school's tuition and fees.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1331 - School Choice

By: PreK-12 Appropriations Subcommittee; Bileca and others

Tied Bills: None

Companion Bills: SB 1822

Committee(s) of Reference: K-20 Innovation Subcommittee; PreK-12 Appropriations Subcommittee; Education Committee

Category: Education

Keywords: Scholarships, School, School Grades, Students

The bill expands the definition of a failing school for purposes of student eligibility for the Opportunity Scholarship Program. The bill changes the classification of a failing school from a school receiving two "F's" in a four-year period to a school that receives a "D" or an "F" in the prior year and is in one of the two lowest categories in the state's system of school improvement and accountability (generally referred to as differentiated accountability).

The bill expands the authorization parents currently have to choose a higher-performing public school that has space available in an adjacent school district to include a higher-performing public school in any other school district in the state. The bill maintains the transportation requirements for school districts, thus, if a parent chooses a public school outside of the assigned school district, the parent is responsible for providing transportation. However, if a parent chooses a higher-performing public school within the assigned district, the school district is required to provide transportation.

The bill repeals all portions of the law relating to the Opportunity Scholarship Program private school choice options because these provisions were ruled unconstitutional.

The bill also makes necessary conforming changes relating to the expanded definition of a failing school for purposes of the Opportunity Scholarship Program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/SB 1546 - School Choice

By: Budget; Higher Education; Education Pre-K - 12; Thrasher and others

Tied Bills: None

Companion Bills: CS/CS/HB 7195

Committee(s) of Reference: Education Pre-K - 12; Higher Education; Budget

Category: Education

Keywords: Charter Schools, Enrollment, School Choice, Students, Virtual

The bill establishes qualifications and benefits for high-performing charter schools and high-performing charter school systems. A high-performing charter school is a charter school that:

- Receives at least two school grades of "A" and no less than a "B" during each of the previous three school years; and
- Receives unqualified opinions with no financial emergency conditions on annual financial audits for the most recent three fiscal years for which such audits are available.

A high-performing charter school is authorized to:

- Increase student enrollment once per year by up to 15 percent;
- Expand grade levels served within kindergarten through grade 12 (within the 15 percent limit for enrollment increases);
- Consolidate under a single charter multiple high-performing charter schools operated in the same school district by the same governing board;
- Submit quarterly, rather than monthly, financial statements to its sponsor; and
- Modify or renew its charter for a term of 15 years.

As an additional benefit, a high-performing charter school may submit an application in any Florida school district to establish a new charter school that substantially replicates its educational program. The reasons a sponsor may deny the application are limited by the bill and appeals of application denials are expedited to the State Board of Education. The bill limits the number of new charter schools that may be established in this manner to one in a given year. Additional schools may not be established unless previously established schools achieve "high-performing" status.

A high-performing charter school may not increase enrollment or expand grade levels following any year in which it receives a school grade of “C.” If it receives a school grade of “C” in any two years during the term of the 15-year charter, the term of the charter may be modified by the sponsor and the charter school loses “high-performing” status. High-performing charter school status may be regained by the school only after meeting the eligibility requirements in a new three-year cycle. The bill prohibits virtual charter schools from receiving “high-performing” status and the replication of high-performing charter schools as virtual charter schools.

Additionally, the bill establishes a high-performing charter school system designation for public entities, private nonprofit corporations, and private for-profit corporations that operate a system of charter schools that:

- Includes at least three high-performing charter schools, as defined in the bill;
- Has at least 50 percent of its charter schools designated as “high-performing” with no charter school receiving a school grade of “D” or “F;” and
- Has not received an annual financial audit revealing a financial emergency condition for any charter school operated by the entity in Florida.

The bill provides a period of time for high-performing charter school systems to improve performance at chronically low-performing public schools assumed by the system and new charter schools established in school zones served by chronically low-performing public schools. Such schools are not considered in eligibility determinations, if certain requirements are met. A high-performing charter school system may replicate through the individual high-performing charter schools in its system.

The bill authorizes four new optional enrollment preferences for charter schools. A charter school-in-the-workplace may give a preference to children of its business partner or children of residents of the municipality where the school is located. A charter school-in-a-municipality may give a preference to children of residents of the municipality. All charter schools may give a preference to children of active-duty military personnel and children who complete a Voluntary Prekindergarten Education program provided by the charter school or its board in the previous program year.

The bill prohibits sponsors from requiring charter school governing board members to reside in the school district if the board:

- Appoints a representative who resides in the school district where the charter school is located to facilitate parental involvement, assist stakeholders, and resolve disputes; and
- Holds at least two public meetings per school year in the district.

The board must appoint a separate representative for each charter school it operates in the district. The representative and school principal must be present at required governing board meetings.

The bill prohibits local governments from imposing local building requirements or site development restrictions upon charter schools that are more stringent than those addressed by the State Requirements for Educational Facilities. Local governments must treat charter schools and traditional public schools equitably when regulating facilities.

Additionally, the bill:

- Requires the Commissioner of Education to appoint enough members to the Charter School Appeal Commission as necessary to avoid conflicts of interest;
- Eliminates the informal hearing process for charter termination or nonrenewal and instead requires a formal hearing;
- Establishes student transfer and federal charter school grant accountability requirements for charter schools operated under the same governing board as separate schools in shared facilities;
- Authorizes a charter school system to serve as its own local educational agency for federal funding purposes if certain criteria are met;
- Repeals the Charter School Review Panel;
- Provides that charter school capital outlay funding received by a charter school-in-the-workplace before July 1, 2010, satisfies expenditure requirements; and
- Directs the Department of Education to provide information related to discretionary millage for capital outlay, federal funding provided to charter schools, and sponsor-provided administrative services.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS for HB 7087 & HB 7091 (ch. 2011-37, L.O.F.) - Education Law Repeals

By: Education Committee; K-20 Innovation Subcommittee; K-20 Competitiveness Subcommittee; Stargel; Fresen

Tied Bills: None

Companion Bills: CS/SB 1996; includes all of HB 7091

Committee(s) of Reference: Education Committee

Category: Education, Higher Education, Repeals of Existing Law

Keywords: College, Compensation, Education, Evaluations, Financial Aid, Impasse, Internet, Loan Program, Merit Pay, Scholarships, School, School Grades, Teacher Tenure, Testing, University, Voluntary Pre-K

The bill repeals provisions governing the criteria for the award of continuing contracts and professional service contracts, and removes a requirement that students, who earned credit for Algebra I during the 2007-08 through 2009-10 school years take an Algebra I end-of-course assessment during the 2010-11 school year. The bill also repeals an unconstitutional provision which prohibits any person in the state from claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.

The following statutorily-established programs that have not been funded or are no longer implemented are also repealed:

- The Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students; the Institute on Urban Policy and Commerce; the Community and Faith-based Organizations Initiative; the Community and Library Technology Access Partnership; the Community Computer Access Grant Program; Adult Literacy Centers; the Florida Literacy Corps; Preteacher and Teacher Education Pilot Programs; the Teacher Education Pilot Program for High-Achieving Students; the Merit Award Program; and the Critical Teacher Shortage Program, which includes the Florida Teacher Scholarship and Forgivable Loan Program, Critical Teacher Shortage Tuition Reimbursement Program, and Critical Teacher Shortage Student Loan Forgiveness Program.

The bill became law on May 5, 2011, chapter 2011-37, Laws of Florida, and became effective upon becoming law, except as otherwise specified.

CS/HB 7151 - Postsecondary Education

By: Education Committee; K-20 Innovation Subcommittee; Stargel

Tied Bills: None

Companion Bills: CS/CS/SB 1732; includes part(s) of CS/CS/SB 632; CS/CS/SB 1194; HB 881; HB 4153; HB 4155; and HB 4177

Committee(s) of Reference: Education Committee

Category: Education, Higher Education

Keywords: Admissions, Bright Futures, College, Credit Transfer, Enrollment, Scholarships, Students, Testing, University

The bill requires the Higher Education Coordinating Council to make detailed recommendations to the Governor, the President of the Senate, the Speaker of the House, the Board of Governors, and the State Board of Education relating to:

- The primary core mission of public and nonpublic postsecondary education institutions;
- Performance outputs and outcomes designed to meet annual and long-term state goals;
- Florida’s articulation policies and practices; and
- A plan to align school district and Florida College System workforce development education programs and improve the consistency of workforce education data collection and reporting.

The Higher Education Coordinating Council is required to submit a report by December 31, 2011, that specifically includes recommendations for legislative consideration during the 2012 Legislative Session. The Department of Education, in addition to the Board of Governors, must provide administrative support to the Higher Education Coordinating Council.

Additionally, the bill:

- Establishes the Articulation Coordinating Committee with responsibilities;

- Requires the Department of Education to utilize student performance data in subsequent coursework to determine appropriate Advanced Placement, College-Level Examination Program, International Baccalaureate, and Advanced International Certificate of Education examination scores for the receipt of college credit;
- Repeals the exemption from the state university system summer term enrollment requirement for students who have earned 9 or more credits through acceleration mechanisms;
- Requires Florida College System institutions to advise students of the requirements for associate degree completion and state university admission, including financial aid eligibility and the potential costs of accumulating excessive college credit, if the student has accumulated 12 credit hours and has not yet demonstrated proficiency in the basic competency areas of reading, writing, and mathematics;
- Requires the State Board of Education to establish by rule provisions for alternative remediation opportunities and retesting policies;
- Authorizes the Department of Education to approve community service hours for home education students to be eligible for the Bright Futures Academic Scholars award;
- Authorizes Florida College System boards of trustees to request from the Commissioner of Education an investigation of a college president by the Department of Education's inspector general in specified circumstances;
- Provides access to postsecondary education for individuals with intellectual disabilities, by allowing for reasonable substitution for admission and graduation requirements;
- Deletes requirements for the State Board of Education to approve community college budgets;
- Revises requirements for the disposal of personal property lost or abandoned on university or Florida College System institution campuses, if not claimed by their owners according to established policies and procedures that best meet the needs of the institution and its students;
- Authorizes the Board of Governors to adopt a regulation instead of a rule relating to naming of state university buildings; university-acquired patents, copyrights or trademarks; delinquent accounts; purchasing; and university lease agreements for facilities;
- Removes obsolete references and requirements relating to the College-Level Academic Skills Test; and
- Repeals the Florida Business and Education Collaborative and the University Concurrency Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 7197 - Digital Learning

By: Education Committee; Appropriations Committee; K-20 Innovation Subcommittee; Stargel and others

Tied Bills: None

Companion Bills: CS/SB 1620

Committee(s) of Reference: Appropriations Committee; Education Committee

Category: Education

Keywords: Charter Schools, Digital, Graduation, School Choice, Students, Testing, Virtual

The bill increases the availability of digital learning options by:

- Authorizing virtual charter schools to provide full-time online instruction to eligible kindergarten through grade 12 students in the district in which the student resides;
- Requiring high school students entering grade 9 in the 2011-2012 school year to complete at least one online course within the 24 credit requirement for high school graduation;
- Authorizing charter schools to offer blended learning courses to full-time students of the charter school. The online instruction must be provided from the physical location of the charter school;
- Authorizing Florida Virtual School to provide full-time instruction to students in kindergarten through grade 12, and part-time instruction to students in grades 4-5; part-time courses for students in grades 4 and 5 are limited to public school students taking grade 6-8 courses for acceleration purposes;
- Expanding the options available for school district virtual instruction programs, by:
 - Requiring school districts to provide opportunities and provider options for virtual instruction;
 - Authorizing full-time K-12, part-time 9-12 and full- or part-time instruction for dropout prevention, academic intervention, and Department of Juvenile Justice courses;
 - Authorizing school districts to operate/create their own virtual instruction programs; and
 - Modifying eligibility criteria for participation in virtual instruction programs to allow kindergarten and 1st grade eligibility without prior year public school enrollment;
- Revising requirements for issuance of adjunct teaching certificates by school districts to encourage the use of experienced individuals to provide online instruction in Florida;
- Authorizing students to take an online course offered by a school district other than their district of residence, provided that the total Full Time Equivalent positions reported by both school districts does not exceed one; and
- Requiring the Department of Education to issue a report identifying and explaining the best methods and strategies for increasing student access to digital learning.

The bill increases accountability by requiring:

- Charter school governing boards to appoint a representative to resolve disputes and conduct two public meetings in the district at which the principal or director and representative must be present;
- Public school students receiving full-time and part-time instruction from the Florida Virtual School to take statewide assessments and Florida Virtual School to receive a school grade for students receiving full-time instruction;

- The Department of Education to develop an evaluation method for providers of part-time virtual programs; and
- All statewide end-of-course assessments to be administered online by the 2014-2015 school year.

The bill clarifies that funding for all virtual instruction options (Florida Virtual School, district operated virtual instruction programs and virtual charter schools) must be through the Florida Education Finance Program as provided in the General Appropriations Act, but cannot include funding for class size requirements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HOUSE OF REPRESENTATIVES

Finance & Tax Committee

Representative Stephen Precourt, Chair

Representative Chris Dorworth, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



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CS/HB 143 - Economic Development

By: Economic Development & Tourism Subcommittee; Workman

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Economic Development & Tourism Subcommittee; Finance & Tax Committee

Category: Economic Development, Taxes

Keywords: Corporate Taxes, Sales Tax Holiday, Tax Credits, Tax Cut, Pollution, Job Creation, Business

The bill as passed includes all of the provisions agreed to by the Budget Conference Committee on HB 7203, with one exception.

Spaceflight Business Tax Credits

The bill allows a certified spaceflight business to apply for a credit equal to 50 percent of the business's corporate income tax liability in a given year. A certified spaceflight business may also convert net operating losses into transferable corporate income tax credits. A business wishing to take advantage of either type of credit created by this program must demonstrate that it engaged in spaceflight projects, created 35 new jobs and invested \$15 million dollars in the three years prior to being certified for the credits. The total amount of credits that may be approved under the bill is \$10 million.

Corporate Income Emergency Excise Tax

The bill repeals the corporate income emergency excise tax, but allows taxpayers with unused credits related to the tax to take such credits against corporate income tax.

Special Impact Estimating Conferences

The bill provides for the creation of special impact estimating conferences, which will require the appointment of four principals each time a special impact session is requested by the President of the Senate or the Speaker of the House of Representatives. These principals would be one each from the Executive Office of the Governor, the Office of Economic and Demographic Research, Senate professional staff, and House of Representatives professional staff and will be appointed based on their appropriate fiscal expertise in the subject matter of the proposal to be evaluated.

Single Sales Factor Apportionment

The bill allows qualified corporations to use a single sales factor apportionment formula to calculate their corporate income tax liability, instead of the current three factor formula that uses sales, property and payroll. To qualify, a business must invest a total of \$250 million in qualifying capital expenditures within Florida over a two year period beginning no earlier than July 1, 2011.

Brownfield Rehabilitation Tax Credits

The bill increases, from \$2 million to \$5 million, the corporate income tax credits that are annually available to partially compensate taxpayers that voluntarily clean up dry cleaning-solvent-contaminated or Brownfield sites.

Research and Development Credits

The bill provides an annual corporate income tax credit for qualifying research and development expenses in Florida. The credit will be equal to 10 percent of the current year's expenses that exceed the average expenses over the past four years. The amount of credits available to be awarded under the bill is \$9 million.

Entertainment Industry Financial Incentive Program

The bill increases funding for the program from \$38 million to \$42 million per year for fiscal years 2012-13, 2013-14, 2014-15. The bill creates three new bonus credit programs (above the base 20 percent of expenditures credit): a 5 percent credit for productions that are located in underutilized regions of the state, a 5 percent credit for productions that are created in certain qualified production facilities, and a 15 percent credit paid to students and recent graduates of film, entertainment or digital media courses of study at Florida colleges. However, total combined credits for a production are limited to 30 percent of qualified expenses. The transferable tax credits certified to a project can now be transferred one additional time.

The bill prohibits any new television series from being allowed into the general production queue if more than 25 percent of credits over the history of the program have been granted to television, as well as modifies the queue treatment for digital media projects and high impact television series. Reporting requirements for the Office of Film and Entertainment are expanded to include information on Full Time Equivalent jobs.

Enterprise Zone Provisions

The bill provides local governments the ability to apply to the Office of Tourism, Trade, and Economic Development to have certain rural enterprise zones expanded by up to three square miles. It provides authority to Martin County and Lake County to apply for designation of an Enterprise Zone of up to 10 square miles and to the City of Palm Bay to apply for designation of an Enterprise Zone of up to five square miles.

Sales Tax Holiday

The bill creates a three day sales tax-free period starting on August 12, 2011, for clothing and shoes valued at \$75 or less and for school supplies valued at \$15 or less. A nonrecurring General Revenue appropriation of \$218,905 is provided to the Department of Revenue to administer the sales tax holiday.

Florida Defense Support Task Force

The bill creates the Florida Defense Support Task Force. The task force's mission is to prepare the state to compete in any federal base realignment and closure action, to support the state's position in militarily-related research and development, and to improve the state's military-friendly environment. The task force will have 13 members consisting of the Governor or his/her designee and four members appointed by the Governor, President of the Senate, and Speaker of the House, respectively.

Appropriations

The bill contains four appropriations of nonrecurring General Revenue to the Office of Tourism, Trade and Economic Development for the following purposes: \$5 million for the Florida Defense Support Task Force, \$15 million for the Innovation Incentive Fund program, \$42 million for the Quick Action Closing Fund program, and \$10 million for the Institute for the Commercialization of Public Research.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

CS/CS/CS/CS/CS/HJR 381 - Additional Homestead Exemption; Property Value Decline; Reduction for Nonhomestead Assessment Increases; Abrogation of Scheduled Repeal

By: Economic Affairs Committee; Appropriations Committee; Finance & Tax Committee; Community & Military Affairs Subcommittee; Dorworth; Costello; Crisafulli; Bovo, Jr. and others

Tied Bills: CS/HB 1053; CS/CS/CS/HB 1163

Companion Bills: CS/CS/SJR 658

Committee(s) of Reference: Finance & Tax Committee; Community & Military Affairs Subcommittee; Finance & Tax Committee; Appropriations Committee; Economic Affairs Committee

Category: Constitutional Amendments, Taxes

Keywords: Property Taxes, Tax Cut, Tax Exemption

The joint resolution places a constitutional amendment on the ballot in November 2012. If approved by the voters, the proposed amendment would do several things related to property taxes:

Non-Homestead Assessment Limitation

The proposed amendment would reduce the current limitation on annual growth in the assessed value of certain non-homestead property from 10 percent to 5 percent.

Prohibition of Increases in Assessed Value Where Market Value Has Declined

The proposed amendment would allow the Legislature by general law to prohibit increases in the assessed value of homestead property and certain non-homestead property in any year that the market value of the property decreases. Under current law, annual limitations on growth in parcel assessed values commonly results in market value growing more rapidly than assessed value. Over time, this results in a gap or "differential" between the two values. Also under current law, part of the "differential" is "recaptured" when the market value of the property declines, but the assessed value actually increases. If created by general law, the provisions of the proposed amendment would prevent "recapture" of assessed value in any year where the market value of a property, with a differential, decreases.

Additional Homestead Exemption for "First-Time" Homesteaders

The proposed amendment would allow individuals who are entitled to a homestead exemption under s. 6(a), Art. VII of the State Constitution, and have not received a homestead exemption in the previous three calendar years to receive an additional temporary homestead exemption. The additional exemption is equal to 50 percent of the just value of the homestead property, capped at the median just value for homestead property in the county where the property is located. This exemption applies only to non-school property taxes. The exemption is reduced each year and diminishes to zero in five years or less.

Sunset Delay

The proposed amendment would delay until 2023, the repeal, currently scheduled to take effect in 2019, of constitutional amendments adopted in 2008 which limit annual assessment increases for certain non-homestead real property. The joint resolution also proposes to delay until 2022 the constitutionally required legislative submission of an amendment proposing the abrogation of such repeal to the voters.

If the amendment proposed by the joint resolution is approved by the voters, these provisions will take effect on January 1, 2013.

CS/SB 478 - Property Taxation

By: Budget Subcommittee on Finance and Tax; Thrasher

Tied Bills: None

Companion Bills: CS/HB 355

Committee(s) of Reference: Community Affairs; Budget Subcommittee on Finance and Tax; Budget

Category: Taxes

Keywords: Tax Collections, Property Taxes

The bill updates and consolidates provisions of chapter 197 of the Florida Statutes regarding property taxation including a statute of limitations, general provisions, administrative and judicial review of property taxes, property tax exemptions, and tax collections, sales and liens. The bill removes archaic language, deletes references to outdated laws, combines sections for consistency, and clarifies definitions. Specific changes made by the bill include:

- Authorizes the tax collector to remove uncollectible tangible personal property tax accounts from the tax roll;
- Increases from \$5 to \$10 the amount of tax overpayments which may be retained by the tax collector;
- Authorizes the tax collector to send certain tax notices electronically, if expressly consented to by the taxpayer;
- Consolidates tax deferral provisions for homesteads, working waterfronts, and affordable housing;
- Changes the timeframe within which an appeal of a denied tax deferral must be filed with the value adjustment board from 20 days after the applicant's receipt of the denial to 30 days after the mailing of the denial;
- Reduces the maximum interest rate required to be paid by a taxpayer on deferred payment tax certificates from 9.5 to 7 percent;
- Requires that partial payment of deferred taxes must be in an amount of at least one year of deferred taxes, assessments and accrued interest;
- Authorizes the tax collector to establish branch offices to conduct state business;
- Increases the deadline from at least 15 to 45 days prior to a tax certificate sale for a request to pay a portion of a tax notice;

- Expands the availability of an implemented installment payment program to all delinquent personal property taxpayers;
- Increases from \$100 to \$250 the amount of delinquent taxes on homestead property for which a tax certificate cannot be sold at public auction and must be struck to the county;
- Shifts the disposition of unclaimed redemption moneys from the counties to the state; and
- Adds to the opening bid amount on tax deed property sales all tax certificates sold subsequent to the filing of the tax deed application plus any omitted taxes.

The bill provides legislative intent that property tax collection should be free from the influence or the appearance of influence of the local governments that levy property taxes and receive property tax revenues.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 641 - Tax Administration

By: Finance & Tax Committee; Mayfield and others

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Finance & Tax Committee

Category: Taxes

Keywords: Tax Collections

This bill contains revisions to general tax administration and tax enforcement provisions related to the Department of Revenue (Department).

Estate Tax Filing Requirement

Under current law, Florida imposes an estate tax equal to the maximum credit permitted by the federal government. In 2004, the federal government repealed its credit, but made the repeal subject to a sunset on December 31, 2010. Through federal legislation in 2010, the sunset has effectively been extended until December 31, 2012. The Florida legislature passed chapter 2007-106, Laws of Florida, which provided a filing limitation permitting Florida estates to forego filing a Florida estate tax return if there was no estate tax liability. The law further provided that the filing limitation was automatically repealed on December 31, 2010.

This bill extends until December 31, 2012, the period for which Florida estates, with zero estate tax liability, do not need to file a return with the Department.

Beverage and Tobacco Wholesaler Reports

The Department has recognized recurring noncompliance with tax laws in some retail businesses with substantial alcohol and tobacco sales. In order to assist in compliance efforts, the Department periodically requests beverage and tobacco distribution information from distributors in order to compare that information, with what the retail establishment is reporting as being sold.

This bill requires sellers of alcoholic beverage or tobacco products to file an annual information report that includes both distributor and retailer business information, including, but not limited to, product types and net monthly sales sold to each retailer. The information report will assist in the Department's enforcement of the state's sales tax collections. If a seller fails to provide the annual report, a \$1,000 penalty is imposed per month for every month the report is not provided, up to a maximum of \$10,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 811 - Florida Endowment Foundation for Vocational Rehabilitation

By: Appropriations Committee; Perry

Tied Bills: None

Companion Bills: CS/SB 480

Committee(s) of Reference: Finance & Tax Committee; Appropriations Committee

Category: Social Services

Keywords: Disability

The bill directs the Department of Revenue to transmit certain funds from civil penalties directly to the Florida Endowment Foundation for Vocational Rehabilitation instead of depositing the funds in an endowment fund managed by the State Board of Administration. The bill also removes the State Board of Administration's obligation to invest the assets of that endowment fund, transferring full responsibility for managing those funds to the foundation. The State Board of Administration must transmit the balance of liquid assets currently in the fund to the foundation within 60 days.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SJR 958 - State Revenue Limitation

By: Budget Subcommittee on Finance and Tax; Budget Subcommittee on Finance and Tax;

Tied Bills: None

Companion Bills: HJR 7221

Committee(s) of Reference: Budget Subcommittee on Finance and Tax; Budget; Rules

Category: Budget, Constitutional Amendments, Taxes

Keywords:

The joint resolution proposes to amend the Florida Constitution to replace the existing state revenue limitation, which is based on Florida personal income growth, with a new state revenue limitation based on inflation (Consumer Price Index) and changes in population.

The amendment provides a “glide path” or phase-in approach for the first four years of the new state revenue limitation. Growing from actual revenues in 2013-14 fiscal year, beginning in 2014-15 fiscal year, an additional 4 percentage points will be added to the growth factor based on inflation (Consumer Price Index) and changes in population. This additional growth factor will decline by 1 percentage point each year until the 2018-19 fiscal year.

The amendment requires revenues collected in excess of the new state revenue limitation to be disposed of in the following order:

- First, into the Budget Stabilization Fund until the fund reaches the maximum balance specified in the constitution, which is 10 percent of the last completed fiscal year’s net revenue collections for the general revenue fund;
- Second, used to support and maintain public schools by reducing the required local effort, which is the minimum financial effort required from school districts for participation in a state-funded education finance program; and
- Third, returned to the taxpayers, as provided under general law.

The amendment provides for increases to the new state revenue limitation by the Legislature, and/or the voters, in response to unforeseen state emergencies. The Legislature can increase the revenue limitation in any fiscal year by a 2/3 vote of the membership of each chamber of the Legislature. The revenue limitation can also be increased for any single fiscal year by a 3/5 vote of the membership of each chamber of the Legislature. On the other hand, the Legislature can propose an increase to the state revenue limitation by concurrent resolution with a 3/5 vote of the membership of each house of the Legislature. Such a proposed increase will be submitted to the voters for approval at the next general election, or an earlier election approved by 3/4 vote of the Legislature. Sixty percent of the participating voters must approve.

The amendment also provides that further adjustments to the revenue limitation can be made by the Legislature in general law to reflect the transfer of responsibility for the funding of governmental functions between the state and other levels of government.

The amendment adds the term “fines” to the definition of state revenues calculated for new state revenue limitation. However, unlike the current definition, state revenues will not include receipts of the Citizens Property Insurance Corporation, and receipts of public universities and colleges. Also, the current exclusion for revenues necessary to meet the requirements of bonds issued by the state is allowed only for bonds issued prior to July 1, 2012.

Lastly, the Legislature will implement the amendment by general law.

The joint resolution places the amendment on the general election ballot in 2012. If approved by 60 percent of the voters, the amendment will take effect and will first apply to the 2014-15 state fiscal year.

CS/CS/HB 965 - Florida Tax Credit Scholarship Program

By: Appropriations Committee; Finance & Tax Committee; Horner and others

Tied Bills: None

Companion Bills: CS/SB 1388

Committee(s) of Reference: Finance & Tax Committee; State Affairs Committee; Appropriations Committee

Category: Taxes

Keywords: Tax Credits, School Choice, Scholarships

The Florida Tax Credit Scholarship Program provides private school scholarships to students from families that meet specified income limitations. The program is funded with contributions to private nonprofit scholarship-funding organizations from taxpayers who receive a tax credit for use against their liability for:

- Corporate income tax;
- Insurance premium tax;
- Severance taxes on oil and gas production;
- Self-accrued sales tax liabilities of direct pay permit holders; or
- Alcoholic beverage taxes on beer, wine, and spirits.

The bill eliminates a current restriction for the corporate income tax credit and insurance premium tax that eligible contributions made to eligible scholarship-funding organizations may not exceed 75 percent of the taxpayer’s tax due for the taxable year.

Currently, a taxpayer may rescind all or part of an approved tax credit. The amount rescinded may become available to another eligible taxpayer during that fiscal year under certain circumstances. One current restriction on those amounts becoming available to another taxpayer is that the taxpayer rescinding all or part of an approved tax credit may not have previously rescinded any or all of its approved tax credits more than once in the previous three tax years. The bill removes this restriction.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/HB 1163 - Ad Valorem Taxation

By: Economic Affairs Committee; Appropriations Committee; Finance & Tax Committee; Dorworth; Bovo, Jr. and others

Tied Bills: CS/CS/CS/CS/CS/HJR 381; CS/HB 1053

Companion Bills: CS/SB 1722

Committee(s) of Reference: Finance & Tax Committee; Appropriations Committee; Economic Affairs Committee

Category: Taxes

Keywords: Property Taxes, Tax Cut, Tax Exemption

The bill implements the proposed constitutional amendment contained in CS/CS/CS/CS/CS/HJR 381.

Non-Homestead Assessment Limitation

The bill amends Florida Statutes to implement the provisions of the proposed constitutional amendment contained in CS/CS/CS/CS/CS/HJR 381 that reduce the current limitation on annual growth in the assessed value of certain non-homestead property from 10 percent to 5 percent, upon voter approval of the amendment. The bill clarifies that the non-homestead assessment limitation does not apply to improvements made to the property. If approved by the voters, this provision takes effect January 1, 2013.

Additional Homestead Exemption for "First-Time" Homesteaders

The bill creates a new statutory section that sets forth and implements the requirements in the proposed constitutional amendment contained in CS/CS/CS/CS/CS/HJR 381, allowing individuals who are entitled to a homestead exemption under s. 6(a), Art. VII of the State Constitution and have not received a homestead exemption in the previous three calendar years, to receive an additional temporary homestead exemption. The additional exemption is equal to 50 percent of the just value of the homestead property, capped at the median just value for homestead property in the county where the property is located. This exemption applies only to non-school property taxes. The exemption is reduced each year and diminishes to zero in five years or less. The bill provides for an application process for the exemption and sets forth requirements that must be met in order to retain the exemption upon addition of another person to the title of an affected property. If approved by the voters, this provision takes effect on January 1, 2013, and is available for properties purchased on or after January 1, 2012.

Consideration of Appropriations for Fiscally-Constrained Counties

Beginning with the 2012-13 fiscal year, the bill requires the Legislature to consider appropriating funds to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties which occur as a direct result of the implementation of the provisions contained in CS/CS/CS/CS/CS/HJR 381. Any appropriated moneys will be distributed among the fiscally constrained counties based on each county's proportion of the total reduction in tax revenues.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except that the substantive provisions of the bill become effective on January 1, 2013, if the voters approve the proposed constitutional amendment contained in CS/CS/CS/CS/CS/HJR 381.

CS/HB 7185 - Corporate Income Tax

By: Economic Affairs Committee; Finance & Tax Committee; Precourt and others

Tied Bills: None

Companion Bills: CS/CS/SB 1998

Committee(s) of Reference: Economic Affairs Committee

Category: Taxes

Keywords: Corporate Taxes, Tax Exemption

Florida imposes a 5.5 percent tax on the taxable income of corporations doing business in Florida. The determination of taxable income for Florida tax purposes begins with the taxable income used for federal income tax purposes. This means that a corporation paying taxes in Florida generally receives the same benefits from deductions allowed in determining its federal taxable income. Florida maintains this relationship by each year adopting the Federal Internal Revenue Code as it exists on January 1 of the year in question. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income. The bill adopting the federal code is commonly referred to as the "piggyback bill."

Last year, the federal government enacted legislation that provides substantially increased deductions for depreciation and expensing of certain capital items. The bill updates the Florida Income Tax Code to reflect changes Congress made to the U.S. Internal Revenue Code of 1986, by adopting the Internal Revenue Code as in effect on January 1, 2011. The change will apply retroactively to January 1, 2011. However, the bill contains provisions that do not adopt the federal bonus depreciation and enhanced expensing provisions noted above. The bill accomplishes this by allowing a corporate taxpayer to take advantage of the federal depreciation and expensing provisions over a seven-year period instead of in one year. This spreads out the timing of the fiscal impact of the federal legislation, while still allowing corporate taxpayers the ability to take advantage of the enhanced federal provisions for federal tax purposes.

Additionally, for taxable years beginning January 1, 2012, the bill increases from \$5,000 to \$25,000 the amount of corporate income that is exempt from the corporate income tax.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law and shall operate retroactively to January 1, 2011, except as otherwise provided.

HOUSE OF REPRESENTATIVES
Health & Human Services Committee
Representative Robert Schenck, Chair
Representative Eduardo Gonzalez, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



Health & Human Services Access Subcommittee

Representative Gayle Harrell, Chair
Representative Michael Weinstein, Vice Chair

Health & Human Services Quality Subcommittee

Representative John Wood, Chair
Representative Ronald Renuart, Vice Chair

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CS/HJR 1179 - Abortion/Public Funding/Construction of Rights

By: Health & Human Services Committee; Baxley

Tied Bills: None

Companion Bills: CS/CS/SJR 1538

Committee(s) of Reference: Health & Human Services Committee; Judiciary Committee

Category: Constitutional Amendments, Federal Government, Health, Insurance

Keywords: Abortion, Ballot, Ballot Summary, Health Care Reform, Insurance, Federalism

CS/HJR 1179 proposes an amendment to the Florida Constitution to prohibit the spending of public funds for any abortion or for health benefits coverage that includes the coverage of abortion.

The prohibition on the spending of public funds for any abortion or for health benefits coverage that includes the coverage of abortion does not apply to:

- Expenditures required by federal law;
- A case in which a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is performed;
- An abortion due to a pregnancy resulting from rape; or
- An abortion due to a pregnancy resulting from incest.

Additionally, the joint resolution specifies that the Florida Constitution may not be interpreted to create broader rights to an abortion than those contained in the U.S. Constitution.

Pursuant to the Florida Constitution, if approved by 60 percent of the voters in the 2012 general election, the resolution provides the proposed amendment will take effect on January 8, 2013.

CS/SB 1992 - Background Screening

By: Budget; Children, Families, and Elder Affairs;

Tied Bills: None.

Companion Bills: CS/HB 7233

Committee(s) of Reference: Children, Families, and Elder Affairs; Budget

Category: Health, Law Enforcement, Social Services

Keywords: Assisted Living Facility, Background Screening, Elderly, Hospital, Mental Health, Nursing Homes, Regulation

In 2010, the Legislature substantially rewrote the requirements and procedures for background screening of the individuals and businesses that deal primarily with vulnerable populations. Owners, operators, and employees of entities that care for vulnerable persons, and many of their volunteers, are required to undergo background screening.

The bill exempts from screening:

- Mental health personnel working in hospitals with less than 15 hours of direct contact with adult patients per week in a hospital; and
- Certified Nursing Assistant applicants who have successfully passed background screening within 90 days of applying for certification.

Law enforcement officers working or volunteering are not required to be rescreened if they are working or volunteering in a capacity that would otherwise require them to be screened.

The 2010 revision of the background screening laws mandated background screenings for direct services providers who provide services through a contractual relationship with the Department of Elder Affairs. The bill amends the definition of direct service provider to include individuals who have direct, face-to-face contact with a client and have access to the client's living areas or to the client's funds or personal property. Current law defines a direct services provider as having client contact or access to the client's property or living area.

The bill exempts from screening the following direct service providers:

- Volunteers with less than 20 hours per month of direct, face-to-face contact with a client;
- Individuals related by blood to the client;
- The client's spouse;
- Attorneys in good standing with the Florida Bar; and
- Individuals providing services within the scope of his or her license.

The bill provides time frames for background screenings by the Department of Elder Affairs and the Agency for Health Care Administration.

The bill requires electronic fingerprinting vendors to use technology systems that are compliant with the systems used by the Florida Department of Law Enforcement and have the ability to electronically communicate the screening results. Fingerprints will be retained by the Florida Department of Law Enforcement when taken on or after July 1, 2013.

Employers are allowed to hire an employee to a position that requires background screening before the screening is complete for training and orientation. The employee may not have any contact with clients until successful completion of the screening.

Personnel of an entity that provides care or care placement services as described in 943.0542, F.S., are allowed to apply for an exemption for disqualification.

The Agency for Health Care Administration, the Department of Elder Affairs, the Florida Department of Law Enforcement, the Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, and the Department of Juvenile Justice are directed to create a statewide interagency background screening workgroup to develop a work plan for implementing a statewide system for streamlining background screening processes and sharing background screening information. The workgroup must report to the Legislature by November 1, 2011.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 7095 - Controlled Substances

By: Appropriations Committee; Judiciary Committee; Health & Human Services Committee; Schenck

Tied Bills: None

Companion Bills: Includes part(s) of SB 818; HB 1147; SB 1386

Committee(s) of Reference: Judiciary Committee; Appropriations Committee

Category: Health, Law Enforcement

Keywords: Drug Abuse, Drugs, Fraud, Hospice, PDMP, Pain Clinics, Prescription Drugs, Regulation

The bill increases regulation of, and creates criminal violations for, each entity in the prescription drug supply chain: wholesale distributors, pain-management clinics, pharmacies, pharmacists, and physicians. In addition, the bill amends the prescription drug monitoring program or PDMP, and requires certain immediate actions by law enforcement and regulators.

The bill requires distributors to report distribution data to the Department of Health, credential purchasers of controlled substances, and refuse to distribute to persons with criminal backgrounds. The bill makes false reporting and knowingly improperly distributing third degree felonies.

The bill amends the definition of "pain-management clinic" and exempts clinics owned by certain physicians from regulatory requirements. The bill also sets standards for the operation of pain-management clinics and requires clinic physicians to ensure compliance.

The bill bans dispensing of Schedule II and Schedule III controlled substances by physicians and makes a violation of the ban both a third degree felony and grounds for licensure discipline. The bill creates exemptions for surgery-related dispensing and dispensing to hospice patients. Dispensing physicians must return existing inventories of these controlled substances to the wholesale distributors from which they were purchased within 10 days of enactment of the bill, or turn in all inventories to law enforcement to be destroyed. Wholesale distributors are required to buy back the controlled substances at the purchase price, if they meet certain criteria for resale.

The bill requires physicians treating chronic pain with controlled substances to register with their boards. The bill creates a standard of care for all physicians prescribing controlled substances to treat chronic pain, regardless of setting, and exempts physicians meeting certain requirements. The bill requires physicians to either electronically prescribe controlled substances or use counterfeit-proof prescriptions sold by a Department of Health-approved vendor.

The bill adds requirements to obtain a pharmacy permit, including onsite inspections, financial disclosures, annual criminal background checks, and exclusions based on criminal or regulatory history. The bill requires community pharmacies to be permitted under the new standards by July 1, 2012, in order to dispense Schedule II and Schedule III controlled substances.

The bill creates additional grounds for denial or discipline of a pharmacist license, based on errors or omissions in processing prescription drugs. The bill requires a pharmacist to report an incidence of obtaining or attempting to obtain controlled substances by improper means and the theft or significant loss of a controlled substance to law enforcement within a certain period of time. Failure to report the former is a first degree misdemeanor; failure to report the latter is a first or second degree misdemeanor, depending on the schedule of the drug.

The bill adds criminal violations:

- Makes it a third degree felony to steal any amount of a controlled substance;
- Makes it a second degree felony to enter or remain within a building with the intent to steal a controlled substance, and includes that action in the definition of burglary;
- Makes it a third degree felony to obtain, or attempt to obtain, a medically unnecessary controlled substance from a practitioner by fraud; and
- Makes it a third degree felony for a practitioner to provide a medically unnecessary controlled substance by fraud or concealment of a material fact, including the existence of a controlled substance prescription by another practitioner.

The bill amends the PDMP by prohibiting donations from pharmaceutical manufacturers to support it, modifying the data submission requirement to 7 days from 15 days, requiring background screening for Department of Health staff with access to the data, and removing references to the Office of Drug Control.

The bill directs the Department of Health to declare a public health emergency on the third day after enactment of the law. Florida Department of Law Enforcement and local law enforcement are then authorized to secure, on-site, unreturned inventories of Schedule II and Schedule III controlled substances 24 hours a day until the dispensing physician returns the controlled substances to the distributor. Any remaining inventory becomes contraband on the tenth day following enactment, and law enforcement is required to seize the inventory and destroy it pursuant to applicable law. The bill sunsets these provisions January 1, 2013.

Finally, the bill contains a severability clause.

The bill appropriates \$3 million in nonrecurring General Revenue funds to defray the cost to law enforcement for the quarantine period, investigative activities, and prosecution of crimes related to prescribed controlled substances.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, except as otherwise provided.

CS/HB 7107 - Medicaid Managed Care

By: Appropriations Committee; Health & Human Services Committee; Schenck

Tied Bills: CS/HB 7109

Companion Bills: Includes parts of SB 1972.

Committee(s) of Reference: Appropriations Committee

Category: Health

Keywords: Community-based Care, Doctors, Elderly, Federalism, Fraud, Health Care Reform, Home Health, Hospice, Hospital, Insurance, Local Governments, Managed Care, Medicaid, Medicare, Mental Health, Nursing Homes, Prescription Drugs, Reform

The bill recreates the Florida Medicaid program as a statewide, integrated managed care program, and requires the Agency for Health Care Administration to obtain and implement state plan amendments or federal waivers necessary to implement the program. The bill creates part IV of Chapter 409, F.S., entitled "Medicaid Managed Care," comprised of new sections 409.961 through 409.992, F.S.

Medicaid consists of two managed care programs:

- The Medicaid Managed Medical Assistance Program for primary and acute care; and
- The Long-Term Care Managed Care Program for residential and home and community-based care, alone or paired with primary acute care for comprehensive coverage.

The statewide managed care program has the following characteristics:

- Care and services provided in a managed care model;
- Mandatory participation for most populations, voluntary participation for some (including persons with disabilities on the home and community-based services waiver), and some populations are excluded;
- Competitive selection of qualified managed care plans that meet strict selection criteria;
- Eleven regions for selection of a limited number of plans;
- Varying models of managed care, including health maintenance organizations and provider service networks;
- Specific plan accountability measures;
- Negotiated payments based on risk-adjusted rates;
- Customized benefits to allow meaningful recipient choice; and
- An opt-out option for recipients to use their Medicaid dollars to purchase other forms of coverage.

Services for exempt recipients will continue to be provided on a fee-for-service basis.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 7109 - Medicaid

By: Appropriations Committee; Health & Human Services Committee; Schenck

Tied Bills: CS/HB 7107

Companion Bills: None

Committee(s) of Reference: Appropriations Committee

Category: Health, Social Services

Keywords: Doctors, Fraud, Health Care Reform, Hospital, Insurance, Managed Care, Medicaid, Medicare, Nursing Homes, Reform, Tort Reform

The bill conforms current law to the new provisions created in HB 7107 by repealing current provisions of law on specific dates when the Managed Medical Assistance Program and the Long-term Care Managed Care Program are implemented statewide. The bill also makes immediate changes to Medicaid law.

Medicaid

The bill makes the following immediate changes to Medicaid eligibility and services requirements:

- Increases to 10 years the forfeiture period of Medicaid benefits for a person who commits Medicaid fraud;
- Restricts Medicaid eligibility to U.S. citizens and lawfully admitted noncitizens, consistent with current federal law;
- Provides that private duty nursing must be medically necessary before this Medicaid service is provided instead of other more cost effective in-home services;
- Prohibits payment for psychotropic medications for Medicaid children unless the parent or guardian gives express and informed consent. Requires physicians to attest to the pharmacy that consent is documented; and
- Includes medically necessary dental, vision, hearing, and podiatric services as required Medicaid services in nursing homes.

The bill makes changes to the developmental disability waiver program administered by the Agency for Persons with Disabilities:

- Expands eligibility for the home and community-based waiver program for persons with developmental disabilities to include individuals diagnosed with Down syndrome; and
- Requires the Agency for Persons with Disabilities to implement a redesign plan with specific actions if the waiver continues a deficit during 2012-13 fiscal year and to submit the plan to the Legislature.

The Agency for Health Care Administration is directed to request federal approval to:

- Develop a system to require parents with incomes greater than 100 percent of the federal poverty level to pay premiums or other cost sharing methods for home and community-based services for their children;
- Require Medicaid recipients to pay \$100 co-payments for nonemergency services provided in a hospital emergency department; and

- Allow Medicaid recipients to use their Medicaid premium to purchase employer-sponsored insurance.

Medicaid Managed Care

The bill makes the following immediate changes to Medicaid managed care:

- Requires managed care plans statewide to use a uniform accounting method to report medical and nonmedical costs to the Agency for Health Care Administration;
- Gives the Agency for Health Care Administration specific guidance on the operation, maintenance and use of the Medicaid Encounter Data System;
- Directs the Agency for Health Care Administration to contract with a provider service network to serve as a third party administrator for the Medipass program in all counties with less than two prepaid plans;
- Requires the Agency for Health Care Administration to conduct annual reconciliations to determine the amount of cost savings achieved by fee-for-service provider service networks;
- Provides that provider service network s statewide may remain fee-for-service for two years, or until September 1, 2014, whichever is later;
- Requires the Agency for Health Care Administration to contract with prepaid dental plans until Medicaid managed care is fully implemented in all regions;
- Provides that children in the child welfare system residing in Broward County are required to enroll in a capitated managed care plan;
- Directs the Agency for Health Care Administration to assign HIV/AIDS Medicaid recipients in Broward, Miami-Dade, and Palm Beach Counties to a specialty HIV/AIDS managed care plan that delivers services through a university-based teaching and research-oriented organization; and
- Provides that a provider service network that directly provides services under contract for the Medicaid, Medicare, or Healthy Kids programs may chose to be regulated as a Health Maintenance Organization.

Dual Eligibles

The Agency for Health Care Administration is authorized to develop payment methodologies to cover the state's share of cost for individuals eligible for both Medicare and Medicaid. Additional requirements are imposed on Medicare crossover providers to assist the Agency for Health Care Administration in fraud prevention.

Hospital Rates

The Agency for Health Care Administration is directed to implement a methodology for establishing base reimbursement rates for each hospital based on allowable costs. The rates will be set only once annually and the reconciliation period is limited.

The Agency for Health Care Administration is directed to develop a plan to convert inpatient hospital rates to a prospective payment system that uses diagnosis-related groups and assigns a payment weight. The Agency for Health Care Administration must submit the Medicaid diagnosis-related groups plan to the Governor and Legislature by January 1, 2013.

Nursing Home Regulation

Current facility obligations related to utilization by Medicaid recipients are suspended and the current certificate of need moratorium on nursing home beds is extended until Medicaid managed care is implemented statewide or October 1, 2015, whichever is earlier.

Medically Needy Program

Subject to federal approval, the Agency for Health Care Administration is directed immediately to contract with a provider service network to coordinate and manage the care of the Medically Needy who will be continuously enrolled for a period of six months. The enrollees shall pay their share of costs as a monthly premium and will be given a 90-day grace period for late payments. The contract with the provider service network will expire when the Managed Medical Assistance Program is effective statewide.

Additionally, the Agency for Health Care Administration is directed to develop a plan for transitioning medically needy recipients into the Managed Medical Assistance Program. The Agency for Health Care Administration is to immediately seek any federal authorization needed for implementation.

Liability Cap on Noneconomic Damages

The bill creates a cap on noneconomic damages for medical negligence that can be paid to Medicaid recipients by practitioners including doctors, hospitals, ambulatory surgical centers, and mobile surgical facilities.

The cap is \$300,000 for an individual, but no single provider will pay more than \$200,000. However, if a provider acted in a "wrongful manner," a Medicaid recipient may recover noneconomic damages for medical negligence in excess of the cap created by the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011, if CS/HB 7107 becomes law.

Health & Human Services Access Subcommittee

CS/HB 97 - Health Insurance

By: Health & Human Services Access Subcommittee; Gaetz

Tied Bills: None

Companion Bills: CS/CS/SB 1414

Committee(s) of Reference: Health & Human Services Access Subcommittee; Insurance & Banking Subcommittee; Health & Human Services Committee

Category: Federal Government, Health, Insurance

Keywords: Abortion, Health Care Reform, Insurance

CS/HB 97 makes changes to the insurance code and creates ss. 627.64995, 627.66996, and 641.31099, F.S., prohibiting the use of state or federal funds to provide coverage for abortions in health insurance policies purchased through health insurance exchanges created under the federal Patient Protection and Affordable Care Act. According to the Patient Protection and Affordable Care Act, states are permitted to prohibit plans participating in the insurance exchange from providing coverage for abortions.

The bill also provides exceptions to allow insurance coverage for abortions with state or federal funds through an insurance exchange in situations of rape or incest, or a case in which a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 137 - Prostate Cancer Awareness Program

By: Higher Education Appropriations Subcommittee; Health & Human Services Access Subcommittee; Renuart

Tied Bills: None

Companion Bills: CS/SB 414

Committee(s) of Reference: Health & Human Services Access Subcommittee; Higher Education Appropriations Subcommittee; Health & Human Services Committee

Category: Health

Keywords: Public Health, Cancer

CS/CS/HB 137 amends s. 381.911, F.S., and expands the purpose of the Prostate Cancer Awareness Program. All duties and responsibilities for implementing the Prostate Cancer Awareness Program are transferred from the Department of Health and the Florida Public Health Institute, Inc., to the University of Florida, Prostate Disease Center to:

- Promote prostate cancer awareness;

- Communicate the advantages of early detection;
- Report recent progress in prostate cancer research and the availability of clinical trials;
- Minimize health disparities through outreach and education;
- Communicate best practices principles to physicians involved in the care of prostate cancer patients; and
- Establish a communications platform for patients and their advocates.

The bill changes the name of the Prostate Cancer Advisory Committee to the University of Florida Prostate Disease Center Prostate Advisory Council and substantially expands the duties of the University of Florida Prostate Disease Center Prostate Advisory Council. The University of Florida, Prostate Disease Center is directed to lead the University of Florida Prostate Disease Center Prostate Advisory Council in developing and implementing strategies to improve outreach and education to reduce the number of patients who develop prostate cancer. The bill amends the membership, appointment terms, duties, and deletes per diem and travel reimbursement provisions for the University of Florida Prostate Disease Center Prostate Advisory Council.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 139 - Child Care Facilities

By: Health & Human Services Committee; Health & Human Services Access Subcommittee; Ahern

Tied Bills: None

Companion Bills: CS/CS/SB 364

Committee(s) of Reference: Health & Human Services Access Subcommittee; Civil Justice Subcommittee; Health & Human Services Committee

Category: Social Services

Keywords: Regulation, Child Protection

Current law provides for minimum standards for the care and protection of children in child care facilities. This bill creates a definition for household children and requires that certain household children be included in the capacity calculation of licensed family day care homes and large family child care homes. Specifically, this bill defines household children to mean children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. The bill provides that supervision of the operator's household children is at the discretion of the operator unless those children receive subsidized child care to be in the home.

The bill amends s. 402.481, F.S., to allow a Gold Seal provider to correct any Class III violations for which it is cited within one year from the date of the violation before losing its Gold Seal designation or becoming ineligible for the designation.

This bill also requires persons advertising for a child care facility, family day care home, or large family child care home to include in the advertisement the facilities license or registration number.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 279 - Training and Certification of Child Welfare Personnel

By: Health & Human Services Access Subcommittee; Davis

Tied Bills: None

Companion Bills: CS/SB 380

Committee(s) of Reference: Health & Human Services Access Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Social Services

Keywords: Regulation, Child Protection, Foster Care

The bill amends s .402.40 and 402.731, F.S., to require persons providing child welfare services to earn and maintain a child welfare certification from a third party credentialing entity approved by the Department of Children and Family Services. The bill also eliminates the Department of Children and Family Services' responsibilities related to child welfare training academies and a program for training child welfare professionals.

The bill requires third party credentialing entities to secure the Department of Children and Family Services' approval and requires that approved entities grant reciprocity to individuals who hold certificates issued by the Department of Children and Family Services for at least 12 months.

The Department of Children and Family Services retains responsibility for approving core competencies and curricula for persons delivering child welfare services. The collaborative effort to identify and develop core competencies and curricula will now include approved third party credentialing entities among other groups identified in statute. The bill provides authority for the Department of Children and Family Services, community based care agencies and sheriffs' offices to contract for training that includes approved core competencies.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/CS/CS/CS/HB 353 - Drug Screening of Potential and Existing Beneficiaries of Temporary Assistance for Needy Families

By: Health & Human Services Committee; Judiciary Committee; Rulemaking & Regulation Subcommittee; Health & Human Services Access Subcommittee; Smith

Tied Bills: None

Companion Bills: CS/CS/SB 556

Committee(s) of Reference: Health & Human Services Access Subcommittee; Rulemaking & Regulation Subcommittee; Judiciary Committee; Health & Human Services Committee

Category: Social Services

Keywords: Welfare, Drug Testing

The bill creates s. 414.0652, F.S., requiring the Department of Children and Family Services to perform drug screening for temporary cash assistance applicants as a condition of eligibility. The cost of drug testing will be paid by the individual applicant. If an applicant tests negative for drugs, a refund for the cost of the drug screen will be issued with the applicant's first Temporary Aid to Needy Families payment. Applicants who test positive for controlled substances will be disqualified from receiving temporary cash assistance for one year, unless the individual chooses to seek substance abuse treatment. If the individual chooses to seek treatment, he or she can reapply for Temporary Aid to Needy Families funds within a six-month time frame. Applicants who test positive again will be ineligible to receive Temporary Aid to Needy Families benefits for three years from the date of the second positive test. The Department of Children and Family Services must provide any individual who tests positive for controlled substances with information concerning drug abuse and treatment programs.

If a parent tests positive for controlled substances, the Department of Children and Family Services shall designate a "protective payee" to receive the cash assistance benefits on behalf of a dependent child. Alternatively, the parent may choose an immediate family member to receive benefits on behalf of the child. The person so designated by the parent or approved by the Department of Children and Family Services must also undergo drug screening.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 404 - Transition-to-Adulthood Services

By: Wise

Tied Bills: None

Companion Bills: CS/CS/HB 739

Committee(s) of Reference: Children, Families, and Elder Affairs; Criminal Justice

Category: Education, Social Services

Keywords: Adoption, Students, Enrollment

The bill allows the Department of Juvenile Justice to provide older youth in its custody or under its supervision opportunities to participate in activities and services that assist in transition to adulthood.

The bill provides that youth, who are in the custody of the Department of Children and Family Services and enter a Department of Juvenile Justice residential program, remain eligible for the Department of Children and Family Services including independent living transition services.

The bill permits the court to retain jurisdiction over a child for a year beyond the child's 19th birthday if they are participating in the transition to adulthood program.

The bill also creates the College Preparatory Boarding Academy Pilot Program for the purpose of providing educational opportunities to dependent or at-risk children. The academy must be a public school and part of the state's program of education. The bill establishes the process by which the State Board of Education is to select private non-profit corporations to operate the program. The bill also outlines the criteria for operating the program and establishes annual reporting requirements to track the progress of the program and the students within the program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 843 - Teaching Agency for Home and Community-Based Care

By: Health & Human Services Access Subcommittee; Diaz

Tied Bills: None

Companion Bills: CS/SB 1158

Committee(s) of Reference: Health & Human Services Access Subcommittee; Health & Human Services Committee

Category: Health

Keywords: Home Health, Elderly, Community-based Care, Regulation

The bill creates s. 430.81, F.S., which authorizes the Department of Elder Affairs to designate a home health agency as a teaching agency for home and community-based care. The teaching agency serves as a resource for research and for training health care professionals in providing health care services in home and community-based settings to the frail and elderly population.

In order to receive this designation, home health agencies must meet certain qualifying criteria as provided in s. 430.81, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 935 - Health Care Price Transparency

By: Health & Human Services Committee; Health & Human Services Access Subcommittee; Corcoran and others

Tied Bills: None

Companion Bills: CS/SB 1410

Committee(s) of Reference: Health & Human Services Access Subcommittee; Health & Human Services Committee

Category: Health

Keywords: Doctors, Uninsured

CS/CS/HB 935 amends s. 381.026, F.S., to allow a primary care physician to publish a schedule of charges for at least the 50 most frequently performed medical services that are offered to patients. The schedule must be posted in the reception area of the office in an area of at least 15 square feet. The bill provides an exemption from one two-year reporting cycle of continuing medical education requirements and one period of license renewal fees for primary care physicians who post a schedule of medical charges. If a physician chooses to publish and post a schedule of charges, the schedule must remain posted as long as the physician maintains an active license in Florida and provides medical services to patients. If the schedule does not remain posted, the physician must pay the waived license fee amount and make up any waived continuing medical education credits.

The bill applies to primary care physicians in the areas of family and general practice, general pediatrics and general internal medicine, as well as advanced registered nurse practitioners and physician assistants in these specialties.

The bill defines “urgent care center” and requires all urgent care centers to comply with the publishing and posting requirements of the act. The bill requires a medical director or clinic director, under the Florida Health Clinic Act, to ensure compliance with the publishing and posting requirement. Also, any person or entity applying for a certificate of exemption from licensure under the Florida Health Clinic Act must prove compliance with the publishing and posting requirement of the act prior to receiving the certificate of exemption. An urgent care center and a clinic, as defined under the Florida Health Clinic Act, are assessed a fine of \$1,000, per day, for failing to publish and post a schedule of charges upon the effective date of the act.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/SB 1366 - Child Welfare/Mental Health/Substance Abuse

By: Health Regulation; Children, Families, and Elder Affairs; Storms

Tied Bills: None

Companion Bills: CS/CS/HB 959

Committee(s) of Reference: Children, Families, and Elder Affairs; Health Regulation; Budget

Category: Health

Keywords: Drug Abuse, Mental Health, Regulation

The bill amends s. 402.7306, F.S., related to administrative monitoring of service providers. The bill adds administrative, programmatic and licensure monitoring of mental health and substance abuse providers to the requirements of this section. In addition, the Behavioral Health Managing Entities under contract to the Department of Children and Families and their contracted monitoring agents are added to the list of agencies affected by this section.

The bill limits agencies that perform administrative, licensure, and programmatic monitoring of mental health and substance abuse providers, serving populations defined in s. 394.674, F.S., to once every three years if the provider is accredited by the Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation. The monitoring exceptions only apply to services the provider is accredited to provide. Agencies may continue to monitor service providers for conditions related to service delivery, for complaints related to safety, and for compliance with federal and state laws or negotiated terms not covered by accreditation.

The bill adds mental health and substance abuse service providers to the list of providers authorized to use an Internet data warehouse for archiving administrative and fiscal records. When documents are stored on the data warehouse, an agency that conducts administrative monitoring is required to use this data warehouse for document requests.

The bill does not apply to federal certification and precertification reviews related to Medicaid compliance.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 1463 - Crisis Stabilization Units

By: Health & Human Services Committee; Hudson; Workman

Tied Bills: None

Companion Bills: SB 1052

Committee(s) of Reference: Health & Human Services Access Subcommittee; Health & Human Services Committee

Category: Health

Keywords: Mental Health

The bill amends s. 394.875, F.S., by directing the Department of Children and Families to implement a crisis stabilization unit demonstration project in Circuit 18 which includes Brevard and Seminole Counties. The Department of Children and Family Services is directed to authorize the existing public or private crisis stabilization units in Circuit 18 to expand to a maximum of 50 beds. The pilot project is to determine the impact this expansion has on the availability of crisis stabilization services to clients.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

Health & Human Services Quality Subcommittee

CS/SJR 2 - Health Care Services

By: Budget; Haridopolos

Tied Bills: None

Companion Bills: CS/CS/HJR 1

Committee(s) of Reference: Health Regulation; Judiciary; Budget

Category: Federal Government, Health, Insurance

Keywords: Insurance, Doctors, Reform, Federalism, Health Care Reform

CS/SJR 2 proposes a ballot initiative to create Section 28 of Article I of the Florida Constitution relating to health care services. Specifically, the constitutional amendment:

- Prohibits a law or rule from compelling, directly or indirectly, any person or employer to purchase, obtain, or otherwise provide health care coverage;
- Allows a person or employer to pay directly for lawful health care services and allows a health care provider to accept direct payment for lawful health care services;
- Prohibits the imposition of taxes or penalties on individuals and medical care providers who choose to participate in a direct payment system;
- Allows for the purchase or sale of health insurance in private health care systems to be free from prohibition by rule or law; and
- Exempts laws or rules in effect as of March 1, 2010.

The joint resolution provides definitions for certain terms and includes a ballot summary.

If approved by 60 percent of the voters in the 2012 general election, the resolution provides the proposed amendment will take effect on January 8, 2013.

CS/CS/HB 445 - Wellness or Health Improvement Programs

By: Insurance & Banking Subcommittee; Health & Human Services Quality Subcommittee; Ingram and others

Tied Bills: None

Companion Bills: CS/CS/SB 1522

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Insurance & Banking Subcommittee; Health & Human Services Committee

Category: Health, Insurance

Keywords: Insurance, Regulation

CS/CS/HB 445 permits group or individual health insurers and Health Maintenance Organizations to offer a voluntary health or wellness improvement program to the insured. The bill also permits rewards and incentives to be offered for participation in the program. Those rewards and incentives may include, but are not limited to, merchandise, premium discounts, and modifications to copayment, deductible, or coinsurance amounts.

The bill allows insurers and Health Maintenance Organizations to request verification of a member's inability to participate in a voluntary health or wellness improvement program due to a medical condition. Verification may be in the form of a statement from the member's treating physician concluding that it is difficult or inadvisable for the member to participate in a health or wellness improvement program. The bill clarifies that the offering of rewards and incentives by insurers and Health Maintenance Organizations does not constitute unfair methods of competition or deceptive acts or practices.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 702 - Umbilical Cord Blood Banking

By: Flores

Tied Bills: None

Companion Bills: CS/HB 471

Committee(s) of Reference: Health Regulation; Judiciary; Budget

Category: Health

Keywords: Public Health

This bill requires the Department of Health to place on its website resources relating to umbilical cord blood and an Internet link to the "Parent's Guide to Cord Blood Foundation" website. The primary mission of the Parent's Guide to Cord Blood Foundation is to educate parents with accurate and current information about cord blood medical research and cord blood storage options. The bill requires the Department of Health to provide, on its website, information relating to umbilical cord blood and umbilical cord blood banking and donation options.

Additionally, the bill requires the Department of Health to encourage health care providers serving pregnant women to make umbilical cord blood information available before the woman's third trimester of pregnancy. If the provider does not see the patient until after the third trimester of pregnancy, this information can be made available at the patient's first visit.

The bill establishes that a health care provider or health care facility cannot be held liable for damages in civil action or subject to criminal penalties for complying with the provisions listed above.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 1037 - Continuing Care Retirement Communities

By: Health & Human Services Committee; Health & Human Services Quality Subcommittee; Bembry; Passidomo and others

Tied Bills: None

Companion Bills: CS/SB 1340

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Economic Affairs Committee; Health & Human Services Committee

Category: Health, Insurance

Keywords: Assisted Living Facility, Community-based Care, Nursing Homes, Regulation, Insurance

Continuing Care Retirement Communities, also known as life-care facilities, are retirement facilities that furnish residents with shelter and health care for an entrance fee and monthly payments. In Florida, Continuing Care Retirement Communities are regulated by the Department of Financial Services, the Agency for Health Care Administration and the Office of Insurance Regulation; the latter primarily through chapter 651, F.S. The Office of Insurance Regulation authorizes and monitors a facility's operation as well as determines the facility's financial status and the management capabilities of its managers and owners. The Office of Insurance Regulation is also empowered to discipline a facility for violations of residents' rights. Currently there are 70 Continuing Care Retirement Communities in the state, which are home to approximately 25,000 residents.

CS/CS/HB 1037 allows continuing care-at-home contracts to be offered to consumers in Florida. Continuing care at-home contracts and programs allow seniors to receive services offered by a continuing care retirement center in their own homes while reserving the right to shelter to be provided by the retirement center at a later date. Continuing care-at-home contracts specify the exact services to be provided to an individual by a provider, in exchange for an initial fee and a recurring monthly premium.

The bill creates s. 651.057, F.S., establishing a new regulatory scheme for continuing care-at-home contracts. The provisions of the bill closely reflect the provisions regulating continuing care contracts found throughout chapter 651, F.S. The bill also establishes criteria for providers seeking provisional certificates of authority and certificates of authority to offer continuing care-at-home contracts. The bill provides the Office of Insurance Regulation with authority to regulate the issuance of provisional certificates of authority and certificates of authority, and to approve continuing care at-home contracts for use in Florida.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1085 - Women's Health

By: Health & Human Services Quality Subcommittee; Plakon and others

Tied Bills: None

Companion Bills: SB 1282

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Health & Human Services Committee

Category: Health

Keywords: Public Health, Cancer

CS/HB 1085 creates the Kelly Smith Gynecologic and Ovarian Cancer Education and Awareness Act, s. 381.9315, F.S.

The bill directs Department of Health (DOH) to encourage women to discuss the risks of gynecological cancers with their health care provider. Furthermore, DOH is directed to encourage health care providers and certain entities to disseminate and display information about gynecological cancers, including signs and symptoms, risk factors, benefits of early detection, and treatment options.

DOH is encouraged to seek any available federal or private grants to promote gynecological cancer awareness and to collaborate with other entities to create a systematic approach to increasing public awareness. The State Surgeon General is required to post on the DOH website a link to the United States Centers for Disease Control and Prevention website for gynecological cancer information.

The bill adds one member from the Florida Ovarian Cancer Alliance Speaks organization to the Florida Cancer Control and Research Advisory Council, increasing the membership from 34 to 35. The bill has no fiscal impact to the state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1125 - Health and Human Services

By: Health & Human Services Quality Subcommittee; Corcoran

Tied Bills: CS/HB 1473

Companion Bills: None

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Insurance & Banking Subcommittee; Appropriations Committee; Health & Human Services Committee

Category: Health, Insurance, Social Services, Courts

Keywords: Assisted Living Facility, Insurance, Medicaid, Mental Health, Nursing Homes, Elderly, Regulation, Uninsured, Civil

CS/HB 1125 makes changes to the Florida Health Choices Program, a single, centralized market for the sale and purchase of health care products by approved vendors and participants. The bill:

- Adds HMOs and prepaid limited health service organizations and discount medical plan organizations to the definition of “insurer” and permits these organizations to sell products and services through the Florida Health Choices Program;
- Expands the eligibility requirements for employers to enroll in the Florida Health Choices Program meeting criteria established by the Program and electing to make their employees eligible for the Program;
- Allows all Medicaid recipients who opt out of Medicaid to participate in the Florida Health Choices Program;
- Simplifies the procedure by which the Board approves vendors for participation;
- Requires the Florida Health Choices Program to provide for the operation of a toll-free hotline to respond to requests for assistance from individuals and employers participating in the program;
- Requires the Florida Health Choices Program to hold initial, open, and special enrollment programs; and
- Requires the Florida Health Choices Program to evaluate options for employer participation that may conform to common insurance practices.

The bill expands a current long-term care facility demonstration project in Miami-Dade County, which is exempt from certificate-of-need requirements, to include psychiatric services.

The bill provides a certificate-of-need exemption for a level III neonatal intensive care unit if the unit has five or more beds, if the hospital applicant is a verified trauma center as defined in s. 395.4001(14), F.S., and if the hospital applicant has a level II neonatal intensive care unit.

The bill removes the age limitation of 64 years of age for eligibility to enroll in an approved health flex plan under s. 408.909, F.S.

The bill also adds persons licensed to practice orthotics, prosthetics, or pedorthics to the definition of “health care provider” as used in ss. 766.201, F.S., through 766.212, F.S., for purposes of medical malpractice actions.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1127 - Abortions

By: Health & Human Services Committee; Porter

Tied Bills: None

Companion Bills: CS/SB 1744

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Health & Human Services Committee

Category: Health

Keywords: Abortion, Regulation

CS/HB 1127 expands statutory informed consent requirements relating to abortion to require confirmation of the gestational age of the fetus by an ultrasound. This procedure is required for all abortions, regardless of the trimester. The person performing the ultrasound must allow the patient to view the live ultrasound images. Additionally, the images must be reviewed and explained to the patient, prior to the patient giving informed consent for the abortion procedure.

A patient has a right to decline to view the live ultrasound images and hear a description of them after she has been offered an opportunity. If she declines, she must complete a form acknowledging that she has chosen to decline this opportunity.

Patients who provide certain documentation that the reason for their abortion is a result of rape, incest, domestic violence, human trafficking, or that they have been diagnosed with a condition that would create a risk of substantial and irreversible impairment of a major bodily function are not subject to view or hear an explanation of the live ultrasound images.

The bill also requires that a patient be provided with printed information describing the fetal stages of development. This information is to be included in the package of printed materials that is given to a patient, prior to her giving informed consent for an abortion.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 1193 - Health Insurance

By: Health & Human Services Quality Subcommittee; Hudson and others

Tied Bills: None

Companion Bills: CS/SB 1754

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Judiciary Committee; Health & Human Services Committee

Category: Health, Insurance

Keywords: Insurance, Regulation, Federalism, Health Care Reform

CS/HB 1193 prohibits any rule or law compelling a person or employer to purchase health insurance, except as a condition of:

- Public employment;
- Voluntary participation in a state or local benefit;
- Operating a dangerous instrumentality;
- Undertaking an occupation having a risk of occupational injury or illness;
- An order of child support; or
- Activities between private persons.

The bill does not prevent the collection of debts lawfully incurred for health insurance.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/HB 1319 - Certificates and Licenses for Certain Health Care Practitioners

By: Health & Human Services Committee; Health Care Appropriations Subcommittee; Health & Human Services Quality Subcommittee; Harrell

Tied Bills: None

Companion Bills: CS/CS/SB 1228; includes parts of HB 225; CS/SB 1176; SB 1812

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Military

Keywords: Armed Services, Regulation, Athletic Trainer, Dentistry

The bill provides the Department of Health the authority to issue a temporary license to a healthcare practitioner whose spouse is stationed in Florida on active duty with the Armed Forces if the applicant meets the eligibility requirements for a full license and is qualified to take the licensure examination. The temporary license is valid for 12 months and is non-renewable and applicants are required to pay the cost for fingerprint processing and an application fee.

The bill allows dental hygienists to practice in a health care setting without the physical presence or supervision of a dentist and requires dental hygienists who do so to maintain professional malpractice insurance coverage. The bill defines "school based prevention program," and includes such programs in the definition of "health access setting." The bill expands the scope of practice of dental hygienists by

allowing hygienists to apply fluorides, instruct on the oral hygiene of a patient, and supervise the oral hygiene of a patient.

The bill amends provisions relating to the licensure of dentists. The bill replaces the current dental exam, with a national exam, the American Dental Licensure Examination. The bill provides that if an individual who is relocating to Florida took the American Dental Licensure Examination exam more than a year ago, he or she must meet additional criteria for licensure, including engaging in the full-time practice of dentistry in the five years preceding the date of application. Additionally, the bill provides that an individual who is relocating to Florida to practice dentistry must engage in the full-time practice of dentistry within one year of receiving a dental license. The bill makes it a third degree felony to use or attempt to use a dental license that is expired or has been revoked.

The bill amends statutory requirements related to athletic trainers. It requires that members of the Board of Athletic Training be certified by the defined nationally accredited certifying body.

The bill also requires athletic trainers to be certified in the use of automated external defibrillators, and meet additional continuing education requirements in the use of automated external defibrillators.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 4027 - Obsolete Health Care Provisions

By: Horner

Tied Bills: None

Companion Bills: SB 548

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Health & Human Services Committee

Category: Health, Repeals of Existing Law

Keywords: Public Health, Restrooms, Uninsured

The bill repeals several outdated or obsolete provisions of law.

The bill repeals s. 381.0091, F.S., which authorizes private businesses to designate separate restrooms and dressing rooms for males and females, and requires state government buildings to have separate restrooms designated by signs. The repeal will have no impact on the ability of private businesses and government buildings to designate separate male and female restrooms or dressing rooms.

The bill repeals s. 381.736, F.S., related to the Florida Healthy People 2010 Program. The federal Healthy People program goals and objectives are developed by the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention, forming a set of federal core public health indicators used for priority-setting and decision-making. These federal agencies update the goals and objectives every 10 years, so the existing 2010 goals are obsolete.

The bill repeals ss. 408.90-408.908, F.S., related to the MedAccess Program, state-subsidized program to provide certain health care services to low-income uninsured Floridians who are ineligible for Medicaid or Medicare. The MedAccess Program was enacted in 1993, but was never funded or implemented.

The bill appears to have no fiscal impact on state or local government. The bill will not affect the funding to any existing programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS for HB 4045, HB 4047, HB 4049, HB 4051 & HB 4053 - Assisted Living Facilities

By: Health & Human Services Committee; Hudson

Tied Bills: None

Companion Bills: CS/SB 692

Committee(s) of Reference: Health & Human Services Quality Subcommittee; Health & Human Services Committee

Category: Health

Keywords: Assisted Living Facility, Regulation

CS/HB 4045 amends or repeals various sections of law:

- The bill amends s. 429.19(9), F.S., removing the requirement that the Agency for Health Care Administration annually develop and disseminate, to certain state agencies, a list of all Assisted Living Facilities sanctioned or fined for violations, the number and class of violations, the penalties imposed and the current status of the case;
- The bill amends s. 429.23(5), F.S., removing the requirement that Assisted Living Facilities submit a monthly report to the Agency for Health Care Administration listing any liability claims that have been made against the facility;
- The bill amends s. 429.35(2), F.S., removing the requirement that the Agency for Health Care Administration forward the results of biennial and interim inspection visits of assisted living facilities, within 60 days after a biennial inspection and 30 days of any interim visit to the local ombudsman council; public library; and the district adult services and mental health program offices of the Department of Children and Families;
- The bill amends s. 429.41(3), F.S., removing the requirement that the Department of Elder Affairs submit its proposed rules to the Speaker of the House of Representatives, the President of the Senate, and appropriate committees, prior to promulgation, for review and comment. The bill also deletes a provision that the rules of the Department of Elder Affairs encourage the development of homelike facilities that promote the individuality of residents; and
- The bill repeals s. 429.54, F.S., which authorizes the Department of Elder Affairs to conduct field visits and audits of assisted living facilities to collect information regarding the cost of room, board and personal care in assisted living facilities. The bill also repeals the requirement that facility owners must provide reports, audits and accountings of cost, as required by the Department of Elder Affairs rules to assist in gathering information.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HOUSE OF REPRESENTATIVES

Judiciary Committee

Representative William Snyder, Chair

Representative Charles McBurney, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



Civil Justice Subcommittee

Representative Eric Eisnaugle, Chair

Representative Clay Ford, Vice Chair

Criminal Justice Subcommittee

Representative Dennis Baxley, Chair

Representative Charles Van Zant, Vice Chair

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HB 4121 - Clove Cigarettes

By: Artilis

Tied Bills: None

Companion Bills: SB 1778

Committee(s) of Reference: Judiciary Committee; Health & Human Services Committee

Category: Health, Repeals of Existing Law

Keywords: Tobacco

Currently s. 859.058, F.S., prohibits the sale, use, possession, or otherwise disposing of cigarettes or similar products that contain cloves, clove oil, or any derivative thereof. This bill repeals s. 859.058, F.S., removing the statutory prohibition on clove cigarettes.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Civil Justice Subcommittee

CS/HB 59 - Service of Process

By: Civil Justice Subcommittee; Julien and others

Tied Bills: None

Companion Bills: CS/SB 328

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts, Law Enforcement

Keywords: Civil, Clerks of Court, Condominiums, Home Owner's Association, Sheriff

Service of process is the formal delivery of a writ, summons or other legal process or notice to a person affected by that document. This bill:

- Requires a gated residential community, a condominium, or a cooperative to allow a process server entry into the common areas of an association where a defendant resides or is known to be;
- Requires a process server to write the date and time of service, the process server's identification number, and the process server's initials on the front page of the document served;
- Requires a process server to sign the return-of-service form and to list all initial pleadings served on the return-of-service form;
- Lowers a copy requirement from two to one. Current law allows for substituted service of process on certain state officials, provided that the process server furnish two copies of the documents;
- Allows parties to provide an electronic copy of process certified by the clerk of the court to the sheriff for service; and
- Allows substituted service of process on an employee of a corporation's registered agent if the registered agent is unavailable.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 142 - Negligence

By: Commerce and Tourism; Richter and others

Tied Bills: None

Companion Bills: CS/HB 201

Committee(s) of Reference: Judiciary; Commerce and Tourism; Budget

Category: Courts, Motorists

Keywords: Auto, Civil, Collisions, Tort Reform

Under general tort law, the doctrine known as comparative negligence provides that a jury must apportion fault between all persons found to be liable for the injury. The liable parties are then responsible for their portion of the damages.

A product liability claim is a tort case filed against a manufacturer alleging that a product defect has caused an injury. Crashworthiness cases are a form of product liability lawsuits in which the plaintiff claims that a defect in the manufacture or design of an automobile caused or enhanced injuries suffered during an automobile accident. Florida courts do not allow juries to hear evidence relating to the initial cause of the automobile accident because the court views the initial accident and the subsequent enhanced injury as two separate incidents. This bill requires that:

- In a product liability action alleging that injuries received by a claimant in an accident were enhanced by a defective product, the trier of fact must consider the fault of all persons who contributed to the accident when apportioning the fault among them;
- A jury in a crashworthiness case must be appropriately instructed by the trial judge on the apportionment of fault; and
- These changes apply to all cases that have not been tried.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 185 - Relief/Angela Isham/City of Ft. Lauderdale

By: Mayfield

Tied Bills: None

Companion Bills: CS/SB 34

Committee(s) of Reference: Civil Justice Subcommittee

Category: Local Government

Keywords: Claims, Claims Bill

The bill compensates Angela Isham for damages sustained as the result of negligence by the City of Ft. Lauderdale. Based on a settlement agreement, the City agreed to pay \$600,000, in addition to the \$200,000 which has already been paid. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 253 - Limited Liability Companies

By: Civil Justice Subcommittee; Stargel; McBurney and others

Tied Bills: None

Companion Bills: CS/SB 1152

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts, Economic Development

Keywords: Business, Civil, Commerce

A limited liability company is a form of business entity where owners have limited personal liability for the debts and actions of the limited liability company, similar to a corporation, but have management and tax flexibility similar to a partnership. When a monetary judgment is entered against a member of a limited liability company, Florida law provides for a “charging order” that directs the limited liability company to pay profits and distributions intended for the judgment debtor to the judgment creditor. By entering a charging order, the judgment creditor is paid without disrupting management of the limited liability company. Last year, the Florida Supreme Court held that Florida’s statutory charging order provision is not the exclusive means by which a judgment creditor can execute a judgment against a debtor owning all of the interest in a single-member limited liability company and held that a court may order a judgment debtor to surrender all right, title, and interest in the debtor’s single-member limited liability company.

This bill provides, with one exception, that a charging order is the “sole and exclusive remedy” by which a judgment creditor may satisfy a judgment from a judgment debtor’s interest in a limited liability company. The exception arises in situations where a limited liability company has only one member and the court finds that distributions under a charging order will not satisfy the judgment in a reasonable time. This bill provides that it is intended to apply retroactively.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 277 - Sovereign Immunity

By: Judiciary Committee; Civil Justice Subcommittee; Goodson and others

Tied Bills: None

Companion Bills: CS/CS/SB 594

Committee(s) of Reference: Civil Justice Subcommittee; Government Operations Subcommittee; Judiciary Committee

Category: Courts, Local Government

Keywords: Civil, County, Tort Reform

A statute of limitations is a time period after which a lawsuit cannot be filed. Different types of lawsuits have different limits. Current law provides that the statute of limitations for a wrongful death action against the state or one of its political subdivisions is four years. The statute of limitations for a wrongful death action brought against a nongovernmental entity is two years. This bill changes the statute of limitations in a wrongful death action brought against the state or one of its agencies or subdivisions from four years to two years.

Current law requires that a claimant bringing a tort action against the state or one of its agencies or political subdivisions must present the claim in writing to the appropriate agency or political subdivision within three years after the claim accrues. This bill requires the claimant present the claim in writing to the appropriate agency or political subdivision within two years after the claim accrues if the claim is for wrongful death.

This bill also provides that if the agency or political subdivision does not act on the claim within 90 days, the claim is deemed denied. The bill tolls the statute of limitations during the time the agency or political subdivision is considering medical malpractice claims and wrongful death claims.

This bill applies to all causes of action arising on or after July 1, 2011.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 325 - Estates

By: Judiciary Committee; Wood

Tied Bills: None

Companion Bills: CS/SB 648

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts, Retirement

Keywords: Civil, Property, Wills, Trusts

When a person dies without a will or some other means of devising his or her estate such as a trust, the person is considered intestate. Current law provides that, in an intestate estate where all of the surviving descendants are also descendants of the surviving spouse, the surviving spouse receives the first \$60,000 plus one-half of the remaining estate. This bill provides that the surviving spouse in this situation receives the entire estate.

Current law provides that, if a will is unambiguous, a court may only look to the will itself to determine distribution of the estate, even if the actual terms of the will do not reflect the intent of the deceased. This bill allows a court to modify an unambiguous will to correct mistakes of law, to correct mistakes of fact, or to achieve the testator's tax objectives. This bill also provides for an award of attorneys' fees and costs directly against an individual in certain proceedings involving certain will challenges.

Current law allows a person to revoke a will. If the will was revoked through publication such revocation may be challenged on grounds of fraud, duress, mistake, or undue influence. If, however, the revocation was by action (such as physical destruction of the will), it may not be challenged. This bill provides that any will revocation may be challenged by an interested party, regardless of the method of revocation.

A revocable trust is a common substitute for a will that allows the individual who created the trust (known as the "settlor") the ability to reclaim the property from the trust at anytime by revoking the trust. Current law does not provide a means to challenge the revocation of a revocable trust where the revocation was procured under fraud, duress, mistake or undue influence. This bill provides that, after the death of the settlor, an interested party can challenge the past revocation of a revocable trust on the grounds that the revocation was procured by fraud, duress, mistake or undue influence.

Communication between a lawyer and a client is privileged information and the client may refuse to disclose those communications or prevent a third party from disclosing the privileged information. The bill provides that the lawyer-client privilege applies to certain communications between a lawyer and his or her client trustee, guardian, or personal representative.

The bill applies to all proceedings pending before the effective date and all cases commenced on or after that date.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided.

CS/CS/SB 450 - Emergency Management

By: Judiciary; Military Affairs, Space, and Domestic Security; Bennett and others

Tied Bills: None

Companion Bills: CS/HB 215

Committee(s) of Reference: Military Affairs, Space, and Domestic Security; Judiciary; Rules

Category: Courts, Emergency Management

Keywords: Civil, County, Fire, Firefighters, Flood, Hurricane, Natural Disaster, Public Health, Sheriff, State Trooper, Tornado, Tort Reform

Current law empowers the Governor to declare a state of emergency if he or she finds that an emergency has occurred or that the threat of emergency is imminent. The state's response to public health emergencies is also provided by law and empowers the State Health Officer to declare a public health emergency.

This bill provides immunity from civil damages relating to the provision of temporary housing, food, water, or electricity for persons who, gratuitously and in good faith, provide such housing, food, water, or electricity to emergency first responders or their immediate family members in response to a declared emergency or public health emergency. However, the immunity does not apply if the person acts in a manner that demonstrates a reckless disregard for the consequences of another. The immunity expires six months after the declaration or extension of the state of emergency.

The bill also provides that a person may register with a county emergency management agency as a provider of housing for emergency first responders if the county provides for such registration. A person who registers is presumed to have acted in good faith when providing temporary housing, food, water or electricity.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 469 - Individual Retirement Accounts**By: Stargel and others****Tied Bills: None****Companion Bills: SB 978****Committee(s) of Reference: Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee****Category: Banking, Courts, Retirement****Keywords: Civil, Retirement, Savings, Bankruptcy, Wills, Trusts**

An Individual Retirement Account is a form of retirement savings account that provides tax benefits to the owner of the account. The account is primarily used as a means of saving for retirement. When the owner of an Individual Retirement Account dies, the account may be transferred to a named beneficiary. When transferred to a beneficiary, it is known as an inherited Individual Retirement Account.

Florida law provides for protection of various assets from creditors, which protection also extends to bankruptcy proceedings. Under current Florida law, a regular Individual Retirement Account is exempt from creditor claims but an inherited Individual Retirement Account is not.

This bill provides that an inherited Individual Retirement Account retains the same protection from creditors that the original Individual Retirement Account enjoyed.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/CS/HB 479 - Medical Malpractice**By: Judiciary Committee; Health Care Appropriations Subcommittee; Health & Human Services Access Subcommittee; Civil Justice Subcommittee; Horner; Campbell and others****Tied Bills: None****Companion Bills: CS/SB 1590****Committee(s) of Reference: Civil Justice Subcommittee; Health & Human Services Access Subcommittee; Health Care Appropriations Subcommittee; Judiciary Committee****Category: Courts, Health, Insurance****Keywords: Civil, Dentistry, Doctors, Insurance, Tort Reform**

This bill makes numerous changes to affect medical malpractice litigation in Florida:

- This bill creates an "expert witness certificate" that an expert witness who is licensed in another jurisdiction must obtain before providing an affidavit in the pre-suit portion of a medical negligence case or testifying in the case. A physician, osteopathic physician or dentist who provides deceptive, or fraudulent expert witness testimony related to the practices of medicine or dentistry may be disciplined;

- This bill provides for the creation of an informed consent form related to cataract surgery. Such a form is admissible in evidence and its use creates a rebuttable presumption that the physician properly disclosed the risks of cataract surgery;
- Current law prohibits medical malpractice insurance contracts that contain any right of the physician or dentist to "veto" any admission of liability or offer of judgment made within policy limits by the insurer. This bill allows such contracts and requires all medical malpractice contracts to say whether the insured has a veto;
- This bill provides that records, policies, or testimony of an insurer's reimbursement policies or reimbursement decisions relating to the care provided to the plaintiff are not admissible in any civil action. Also, a health care provider's failure to comply with, or breach of, any federal requirement is not admissible in any medical negligence case;
- This bill requires a claimant in a medical malpractice action to execute an authorization for release of health information to be furnished with the pre-suit notification; and
- This bill provides additional immunity from civil liability for volunteer team physicians.

This bill applies to causes of action accruing on or after October 1, 2011.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/SB 504 - Child Visitation

By: Children, Families, and Elder Affairs; Bogdanoff

Tied Bills: None

Companion Bills: CS/HB 387

Committee(s) of Reference: Children, Families, and Elder Affairs; Judiciary; Budget

Category: Courts, Social Services

Keywords: Child Protection, Civil, Foster Care, Parental Rights, Family Law

In 2007, the Legislature created the Keeping Children Safe Act to keep children in the custody of the Department of Children and Family Services or its contractors safe during visitation or other contact with an individual who is alleged to have committed sexual abuse or some related criminal conduct. This bill amends the Keeping Children Safe Act to provide that:

- A finding of probable cause of sexual abuse by a parent or caregiver is required in order to create a presumption of detriment to a child;
- Persons meeting specified criteria may not visit or have contact with a child without a hearing and order by the court, and in order to begin or resume contact with the child, there must be an evidentiary hearing to determine whether contact is appropriate; and
- The court must conduct a hearing within seven business days of finding out that a person is attempting to influence the testimony of the child. The purpose of the hearing is to determine whether visitation with the person who is alleged to have influenced the testimony of the child is in the best interest of the child.

This bill also amends the legislative intent of the Keeping Children Safe Act to provide that it is the intent of the act to protect children who have been sexually abused or exploited by a parent or caregiver by placing additional requirements on judicial determinations related to contact between a parent or caregiver who meets certain criteria and a child victim.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 609 - Relief/Harris & Williams/North Broward Hospital District

By: Coley

Tied Bills: None

Companion Bills: SB 16

Committee(s) of Reference: Civil Justice Subcommittee

Category: Local Government

Keywords: Claims, Claims Bill

The bill compensates Laron S. Harris, Jr., by and through his parents, Melinda Williams and Laron S. Harris, Sr., and Melinda Williams and Laron S. Harris, Sr., individually, for damages sustained as the result of negligence by the North Broward Hospital District, d/b/a Coral Springs Medical Center. Based on a settlement agreement, the District agreed to pay \$2,000,000, in addition to the \$200,000 which has already been paid. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 621 - Child Custody

By: Civil Justice Subcommittee; Renuart and others

Tied Bills: None

Companion Bills: CS/SB 1650

Committee(s) of Reference: Civil Justice Subcommittee; Economic Affairs Committee; Judiciary Committee

Category: Courts, Military

Keywords: Child Protection, Civil, Parental Rights, Soldier, Family Law

Where the parents of a minor child are living apart, the parents must develop a parenting plan to be approved by the court. The plan outlines the responsibilities and time-sharing arrangements of the parents. In general, a change in the parenting plan requires a parent to show a substantial, material, and unanticipated change in circumstances and that the modification is in the best interests of the child. However, there is a special exception for a parent who is deployed pursuant to military service commitments.

When a parent is unable to comply with a time-sharing schedule because of military service, courts are generally precluded from modifying the judgment or order as it existed on the date the parent left for service. However, a court may enter a temporary modification order if such modification is in the best interests of the child.

This bill provides that the activation, deployment or temporary assignment to military service cannot be the sole factor in the court's decision to grant a modification of permanent time-sharing and parental responsibility.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 629 - Relief/Estate of Cesar Solomon/JTA

By: McBurney

Tied Bills: None

Companion Bills: SB 22

Committee(s) of Reference: Civil Justice Subcommittee

Category: Local Government

Keywords: Claims, Claims Bill

The bill compensates the Estate of Cesar Solomon, for wrongful death as the result of negligence by the Jacksonville Transportation Authority. Based on a settlement agreement, the Authority agreed to pay \$1,050,000, in addition to the \$200,000 which has already been paid. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 647 - Protection of Volunteers

By: Judiciary Committee; Civil Justice Subcommittee; McBurney and others

Tied Bills: None

Companion Bills: CS/CS/SB 930

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts

Keywords: Civil, Non Profit, Tort Reform

The Florida Volunteer Protection Act provides that any person who volunteers to perform any service for any nonprofit organization without compensation is not civilly liable for any act or omission in certain situations. It is unclear whether compensation from an outside source, such as from an employer who might continue to pay an employee who does volunteer work for a nonprofit organization, affects liability protection.

This bill provides that a person who volunteers for a nonprofit organization and is not paid by the nonprofit organization, regardless of whether the person is receiving compensation from another source, has the same protections as any other volunteer. This protection only applies if the volunteer is not acting as the agent of the source from which the volunteer is receiving compensation.

This bill applies to causes of action accruing on or after the effective date.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 650 - Mobile Home Park Lot Tenancies

By: Regulated Industries; Jones and others

Tied Bills: None

Companion Bills: CS/HB 423

Committee(s) of Reference: Regulated Industries; Community Affairs; Rules

Category: Courts, Economic Development, Local Government

Keywords: Civil, Construction, Consumer Protection, Property, Regulation

Mobile home parks are regulated by the state. Current law places various obligations on mobile home park owners including providing notices for eviction in the event of sale, following building codes and maintaining common areas. Current law requires a mobile home park owner to give tenants at least six months notice before eviction can take place due to a change of land use. A change of land use is where the land the park is on will be redeveloped into something other than a mobile home park.

This bill requires that, at the beginning of the six month eviction period, and if the tenants have created a homeowners' association, the park owner must offer to sell the park to the association. The association has 45 days to agree to the owner's asking price and terms. This bill also requires the state or a local government to consider the adequacy of parks for relocation when a mobile home park owner gives notice of a change of land use.

Mobile home owners also have obligations by lease and by law that include the obligation to follow building codes and the obligation to keep their rented lot sanitary and clean. Mobile home park owners report that they are being cited for offenses that were committed by their tenants. This bill requires a local government, when citing a violation of a local ordinance, to cite only the responsible party.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 670 - Powers of Attorney

By: Judiciary; Joyner

Tied Bills: None

Companion Bills: CS/CS/HB 815

Committee(s) of Reference: Judiciary; Banking and Insurance; Rules

Category: Banking, Courts

Keywords: Business, Civil, Property, Family Law

A power of attorney is a legal document in which a principal authorizes a person or entity (the agent or attorney-in-fact) to act on his or her behalf. There are three basic types of power of attorney: general power of attorney, which ceases when the principal becomes incapacitated; durable power of attorney, which continues once the person becomes incapacitated; and springing or contingent power of attorney, which becomes effective upon the occurrence of a specified event. This bill is a comprehensive revision of the statutes regulating powers of attorney based in large part on the Uniform Power of Attorney Act. Significant changes made by this bill include:

- All powers of attorney become effective upon execution, with the exception of powers of attorney based on military deployment;
- All powers of attorney must be signed by the principal, witnessed and signed by two people, and notarized;
- A power of attorney executed in another state is valid in Florida if the power of attorney complied with the laws of the state of execution;
- That a third person must accept or reject a power of attorney within a reasonable time;
- That a power of attorney must expressly provide what an agent can and cannot do and may not include a general provision granting the agent broad authority;
- That additional signatures or initials of the principal are required to exercise authority in certain areas;
- That a principal may appoint two or more agents and that they may act independently and exercise full authority;
- That the principal may designate successor agents;
- Limits on who may file a petition for judicial relief regarding a power of attorney; and
- That with respect to formalities of execution, the bill applies to all power of attorneys created on or after October 1, 2011, and that with respect to all matters other than formalities of execution, the bill applies to all powers of attorney regardless of date of creation.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/SB 926 - Liability/Employers of Developmentally Disabled

By: Commerce and Tourism; Storms

Tied Bills: None

Companion Bills: CS/HB 405

Committee(s) of Reference: Commerce and Tourism; Children, Families, and Elder Affairs; Judiciary

Category: Courts, Social Services

Keywords: Business, Civil, Disability, Job Creation, Tort Reform

Supported employment services are offered to help an individual with a developmental disability gain or maintain employment. This bill provides that an employer who employs a person with a developmental disability who received supported employment services is not liable for a negligent or intentional act or omission of the employee provided that the employer did not have actual notice of the act creating an unsafe condition in the workplace.

This bill also provides that a not-for-profit supported employment service that has provided employment services to a person with a developmental disability is not liable for the actions or conduct of that person as an employee occurring within the scope of employment.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 951 - Recording of Real Property Documents

By: Albritton

Tied Bills: None

Companion Bills: CS/SB 1072

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts

Keywords: Civil, Property, Clerks of Court, Public Records

Instruments affecting title to real property are recorded in the public records in order to provide a public record of the chain of title to the property, together with a record of encumbrances against the title.

Prior law only allowed original papers, properly signed, to be presented for recording. Recently, state law was amended to allow for electronic recording of real property instruments. However, several of the clerks of the court and county recorders were accepting electronic recordings relating to real property prior to the 2007 adoption of the Uniform Real Property Electronic Recording Act. Other recorders began accepting electronic documents for recording before rules were formally adopted.

The bill retroactively and prospectively ratifies the validity of all electronic documents submitted to and accepted by a county recorder for recordation, whether or not the electronic documents were in strict compliance with the statutory or regulatory framework in effect at that time. This bill provides that all such recorded documents are deemed to provide constructive notice of ownership and encumbrances.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/HB 1111 - Family Law

By: Judiciary Committee; Health & Human Services Committee; Civil Justice Subcommittee; Mayfield

Tied Bills: None

Companion Bills: CS/SB 1622, CS/HB 1475, CS/SB 1978

Committee(s) of Reference: Civil Justice Subcommittee; Health & Human Services Committee;

Judiciary Committee

Category: Courts

Keywords: Child Protection, Civil, Parental Rights, Alimony, Divorce, Family Law

This bill conforms Florida's Uniform Interstate Family Support Act to the current version of Uniform Interstate Family Support Act, which was amended in 2008. The 2008 Uniform Interstate Family Support Act amendments were made to fully incorporate the provisions promulgated by the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Hague Convention) that impact existing state laws, including guidelines for the registration, recognition, enforcement, and modification of foreign support orders from other countries that are parties to the Hague Convention. Florida law currently has uniform standards for interstate enforcement of support orders, but not international enforcement.

Alimony is used to provide financial support to a financially dependent former spouse. By statute, there are four different types of alimony: bridge-the-gap alimony, rehabilitative alimony, durational alimony, and permanent alimony. The bill provides that a court must consider the four types of alimony listed by statute when deciding which type of alimony is appropriate.

By statute, a marriage is either short-term, moderate-term, or long-term based on the length of the marriage. The length of the marriage is one factor a court considers when determining which type of alimony is appropriate. Current law provides that only short-term and moderate-term marriages may have an award of durational alimony. This bill provides that a long-term marriage may have an award of durational alimony. This bill also provides that an alimony award may not leave the payor with significantly less net income than the net income of the recipient, absent exceptional circumstances.

Subject to the Governor's veto powers, regarding alimony, the effective date of this bill is July 1, 2011. Subject to the Governor's veto powers, regarding the Uniform Interstate Family Support Act, the effective date of this bill is upon the earlier of 90 days following Congress amending 42 U.S.C. s. 666(f) to allow or require states to adopt the 2008 version of the Uniform Interstate Family Support Act, or 90 days following the state obtaining a waiver of its state plan requirement under Title IV-D of the Social Security Act.

SB 1142 - Adverse Possession

By: Dockery

Tied Bills: None

Companion Bills: HB 927, SB 918

Committee(s) of Reference: Judiciary; Community Affairs; Budget

Category: Courts, Local Government

Keywords: Civil, Fraud, Property

This bill amends the current statutory process for gaining title to real property via an adverse possession claim without color of title. This bill includes occupation and maintenance as one of the forms of proof of possession of property subject to an adverse possession claim, requires the property appraiser to provide notice to the owner of record that an adverse possession claim was made, and provides for priority of property tax payments made by owners of record by requiring refunds of tax payments made by adverse possessors who submit a payment prior to the owner of record.

This bill requires the Department of Revenue to develop a uniform statewide adverse possession return. This bill grants emergency rulemaking authority to the Department of Revenue for the purposes of creating this return.

This bill also prescribes procedures governing an adverse possession claim against a portion of an identified parcel of property and against property that does not currently have a unique parcel identification number. It specifies when the property appraiser may add and remove the adverse possessor to and from the parcel information on the tax roll and requires property appraisers to include a notation of an adverse possession claim in any searchable property database maintained by the property appraiser.

This bill provides that tax notices must be sent to the owner of property subject to an adverse possession claim even if the county commission has authorized the tax collector to not send out tax notices for bills under a certain amount.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/HB 1195 - Condominium, Cooperative, and Homeowners' Associations

**By: Judiciary Committee; Economic Affairs Committee; Civil Justice Subcommittee; Moraitis; Grant
Tied Bills: None**

Companion Bills: CS/CS/CS SB 530; Includes parts of SB 1516; Includes parts of HB 1035

**Committee(s) of Reference: Civil Justice Subcommittee; Economic Affairs Committee; Judiciary
Committee**

Category: Courts

**Keywords: Civil, Foreclosure, Mortgage, Property, Regulation, Condominiums, Home Owner's
Association**

The term "community association" refers to condominium, homeowners', and cooperative associations. Regarding community associations, the bill:

- Provides that a condominium, cooperative, or multifamily residential building that is less than four stories is exempt from installing a manual fire alarm system if the building has an exterior corridor providing a means of egress;
- Provides for the suspension of use rights and election rights of unit or parcel owners who are more than 90 days delinquent in the payment of a monetary obligation or for failure to comply with the association's governing documents. Voting rights of the suspended unit or parcel owner may not be exercised for any purpose including a quorum;
- Allows an association to demand payment from a unit or parcel owner's tenant for all unpaid monetary obligations of a unit owner owed to the association; and
- Provides for a statutory notice be sent to the tenant if the association demands payment from the unit or parcel owner's tenant for unpaid monetary obligations.

Regarding condominium associations, the bill:

- Allows condominium unit owners to consent to the disclosure of protected information, e.g. name and telephone numbers for a membership directory;
- Allows unit owners access to written employment agreements or budgetary or financial records that indicate the compensation paid to an association employee;
- Permits condominium associations to hold closed meetings to discuss personnel matters;
- Provides that an association may also include impact glass and other code-compliant windows for hurricane protection;
- Requires a vote of, or written consent by, a majority of the total voting interests of an association in order to enter into agreements and to acquire leaseholds, memberships and other possessory or use interests in lands or facilities;
- Provides for termination of a shared condominium and timeshare property where the improvements have been completely destroyed;
- Provides for the partial termination of a condominium property; and
- Provides that an association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments is not liable for any unpaid assessments that came due before the association's acquisition of title of any other association which hold a superior lien interest on the unit.

Regarding homeowners' associations, the bill:

- Amends the definition of declaration of covenants to include multiple written instruments;
- Provides that a person who is 90 days delinquent on financial obligations to the association or who has been convicted of a felony is not eligible to run for election to the board;
- Provides that an association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments is not liable for any unpaid assessments that came due before the association's acquisition of title of any other association which hold a superior lien interest on the unit; and
- Authorizes and provides procedures for homeowners associations to contract for communications, information, or Internet services on a bulk rate basis.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/SB 1196 - Construction Liens

By: Commerce and Tourism; Regulated Industries; Bogdanoff

Tied Bills: None

Companion Bills: CS/CS/HB 941

Committee(s) of Reference: Regulated Industries; Judiciary; Commerce and Tourism

Category: Courts

Keywords: Civil, Commerce, Construction, Liens, Property

The construction lien law allows persons who are enhancing an owner's property to file a lien for the value of the improvement. In certain circumstances, a construction lien may be placed against a lessor's property for work done on behalf of a lessee. However, a lessor may limit or prohibit such liens provided the lessor includes a prohibition in the lease and records notice thereof in the public records. Related to construction liens against leased property, this bill:

- Adds an additional means by which the lessor may record notice in the public records, namely by recording a memorandum of a lease;
- Provides that a blanket limitation on liens need not apply to all leaseholds within the property;
- Requires a lessor claiming that leases prohibit liens to provide a copy of the relevant portions of the lease within 30 days, upon demand of a potential lienor;
- Amends the notice of commencement form to require adding the name of a lessee when the lessee is making improvements; and
- Requires a statement on the notice of commencement that the ownership interest is a leasehold interest if the owner listed is a lessee.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 1247 - Parental Notice of Abortion

By: Stargel and others

Tied Bills: None

Companion Bills: SB 1770

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts, Health

Keywords: Abortion, Child Protection, Civil, Family Law, Doctors, Parental Rights, Reform

In 2004, the voters approved an amendment to the Florida Constitution to authorize the Legislature to create a parental notification statute. This bill makes several revisions to the parental notification law including:

- Adding a requirement that constructive notice of a minor's abortion must be mailed to the parent or legal guardian via first class mail in addition to certified mail;
- Requiring that actual notice provided by telephone be followed up with written confirmation;
- Requiring that when abortions are performed due to a medical emergency that the physician make reasonable attempts whenever possible, and without endangering the life of the minor, to contact the parent or legal guardian;
- Requiring follow up notification to the parent or legal guardian after an abortion is performed due to a medical emergency;
- Requiring written waivers of persons entitled to notice to be notarized and dated not more than 30 days prior to the abortion;
- Requiring petitions for judicial waiver to be filed in the circuit court where the minor resides;
- Requiring a court to rule on a minor's petition within three business days and to provide for a subsequent hearing within 48 hours if the petition is not ruled on in three business days;
- Removing the provision finding that failure of a trial court to rule is considered a granting of the petition and requiring a ruling in each case;
- Providing factors for the court to consider when determining a minor's maturity to decide whether to have an abortion without parental involvement; and
- Providing that financial considerations are not to be included in determining what is in a minor's best interest.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011, or upon the adoption of rules and forms by the Florida Supreme Court, whichever occurs first.

CS/HJR 1471 - Religious Freedom

By: Judiciary Committee; Plakon; Precourt and others

Tied Bills: None

Companion Bills: SJR 1218

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Constitutional Amendments

Keywords: Religion

The Joint Resolution proposes an amendment to the Florida Constitution relating to religious freedom. The resolution:

- Repeals a limit on the power of the state and its subdivisions to spend funds “directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution;”
- Provides that government may not deny the benefits of any program, funding, or other support on the basis of religious identity or belief, except to the extent required by the First Amendment to the United States Constitution.

If approved by 60 percent of the voters in the 2012 general election, the resolution will take effect on January 8, 2013.

CS/SB 1676 - Sovereign Immunity

By: Judiciary; Thrasher and others

Tied Bills: None

Companion Bills: CS/CS/HB 1393, SB 1924, Includes parts of CS/CS/CS/SB 1972

Committee(s) of Reference: Health Regulation; Judiciary; Budget (w/d)

Category: Courts, Health

Keywords: Civil, Local Governments, Public Meetings, Public Records, Tort Reform

Sovereign immunity is a legal concept that prohibits lawsuits against the government, unless the government waives the protection. The state has long provided a limited waiver of its sovereign immunity for ordinary tort liability, including medical malpractice. This bill provides that any nonprofit independent college or university in this state which owns or operates an accredited medical school and which has agreed in a contract or affiliation agreement to provide patient services as agents of a teaching hospital is protected by sovereign immunity when operating at that teaching hospital. The contract must provide for indemnification of the teaching hospital by the college or university; and must also provide that the portions of the college, university, or medical school, which are directly providing services pursuant to the contract, are subject to public records law.

This bill applies to causes of action accruing on or after the effective date.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

HB 4067 (ch. 2011-10, L.O.F.) - Residence of Clerk of the Circuit Court

By: McBurney

Tied Bills: None

Companion Bills: SB 1100

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts, Repeals of Existing Law

Keywords: Clerks of Court

Current law requires that the clerk of a circuit court, or a deputy clerk, must reside within two miles of the county seat. This bill repeals the requirement.

This bill became law on April 27, 2011, chapter 2011-10, Laws of Florida, and becomes effective July 1, 2011.

CS/HJR 7111 - Judiciary

By: Judiciary Committee; Civil Justice Subcommittee; Eisnagle and others

Tied Bills: None

Companion Bills: HJR 1097; HJR 7037; SJR 1664; SJR 1704; SJR 2084

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Constitutional Amendments, Courts

Keywords: Appellate Court, Judge, Judicial Qualifications, Justice, Reform, Rules, Supreme Court

This joint resolution proposes a constitutional amendment to:

- Currently, justices are selected by the Governor from a list of qualified candidates selected by a nominating commission. This joint resolution adds a requirement that a Supreme Court justice selected by the Governor must be confirmed by the Senate to take office. If the Senate does not reject a nominee within 90 days, the nominee is deemed confirmed;
- Current law allows the Supreme Court to adopt rules for the practice and procedure in all courts. Court rules may be repealed by a two-thirds vote of the Legislature. This proposed amendment provides for the repeal of a court rule by general law (a simple majority), provided that the Legislature gives reasons for the repeal. The court may not readopt a rule without conforming the rule to the reasons for the repeal, and if repealed again it may not be readopted without Legislative approval; and
- Currently, investigative files of the Judicial Qualifications Commission are confidential. This joint resolution would allow the House of Representatives, at the Speaker's request, to review all investigative files of the Judicial Qualifications Commission.

If approved by 60 percent of the voters in the 2012 general election, the resolution will take effect on January 8, 2013.

Criminal Justice Subcommittee

CS/HB 3 - Assault or Battery of a Law Enforcement Officer

By: Criminal Justice Subcommittee; Nehr and others

Tied Bills: None

Companion Bills: SB 464

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Law Enforcement

Keywords: Assault, Police, Sheriff, State Trooper

The bill creates s. 784.071, F.S., establishing a “blue alert.” A blue alert is issued at the request of an authorized person at a law enforcement agency if a law enforcement officer has been killed, suffered serious bodily injury, has been assaulted with a deadly weapon, or is missing while in the line of duty under circumstances evidencing concern for the officer. The bill specifies other conditions that must be met before the alert can be issued.

The bill requires the Florida Department of Law Enforcement, in cooperation with the Department of Highway Safety & Motor Vehicles and the Department of Transportation to activate the Emergency Alert System and issue a blue alert.

The bill provides that the blue alert will be immediately disseminated to the public through the emergency alert system by broadcasting the alert on television, radio, and the dynamic message signs that are located along the state’s highways.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2011.

CS/CS/HB 39 - Controlled Substances

By: Judiciary Committee; Criminal Justice Subcommittee; Adkins; Rouson and others

Tied Bills: None

Companion Bills: CS/CS/SB 204

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Health, Law Enforcement

Keywords: Drug Abuse, Drugs, Criminal

The bill adds the following synthetic cannabinoids and synthetic cannabinoid-mimicking compounds often referred to as “K2” or “Spice,” which are used as recreational drugs, to Schedule I of Florida’s controlled substance schedules:

- 2-[(1R, 3S) -3-hydroxycyclohexyl] -5- (2-methyloctan-2-yl) phenol, also known as CP 47, 497 and its dimethyloctyl (C8) homologue;
- (6aR, 10aR) -9- (hydroxymethyl) -6, 6-dimethyl-3- (2-methyloctan-2-yl) -6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol, also known as HU-210;
- 1-Pentyl-3- (1-naphthoyl) indole, also known as JWH-018;

- 1-Butyl-3- (1-naphthoyl) indole, also known as JWH-073; and
- 1-[2-(4-morpholinyl)ethyl]-3-(1- naphthoyl) indole, also known as JWH-200.

As a result, anyone in possession of the above-listed synthetic cannabinoids will be guilty of a third degree felony in conformity with other Schedule I hallucinogens. This offense will be ranked in Level 3 of the offense severity ranking chart. However, possession of 3 grams or less of synthetic cannabinoids will be a first degree misdemeanor, unless the synthetic cannabinoid is in powdered form. The offense of sale, manufacture or delivery or possession with intent to sell, manufacture or deliver synthetic cannabinoids will be a third degree felony and will be ranked in Level 3 of the offense severity ranking chart. The offense of purchase of synthetic cannabinoids will be a third degree felony and will be ranked in Level 2 of the offense severity ranking chart.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/HB 45 - Regulation of Firearms and Ammunition

By: Judiciary Committee; Community & Military Affairs Subcommittee; Criminal Justice Subcommittee; Gaetz and others

Tied Bills: None

Companion Bills: CS/CS/CS/SB 402

Committee(s) of Reference: Criminal Justice Subcommittee; Community & Military Affairs Subcommittee; Judiciary Committee

Category: Local Government

Keywords: Weapons, Regulation, Local Governments, Fine

The bill prohibits specified entities from enacting or causing to be enforced local ordinances or administrative rules or regulations that impinge upon the Legislature’s exclusive occupation of the field of firearm and ammunition regulation. The bill sets forth various exceptions to this prohibition, which include:

- Zoning ordinances that encompass firearms businesses along with other businesses;
- Law enforcement agencies who enact and enforce regulations related to firearms issued to or used by officers in the course of their official duties;
- The entities subject to the bill’s prohibitions from regulating or prohibiting employees from carrying firearms or ammunition during the course of their official duties, except as provided in s. 790.251, F.S.;
- A court or administrative law judge from resolving a case or issuing an order or opinion on any matter within the court or judge’s jurisdiction; or
- The Florida Fish and Wildlife Conservation Commission from regulating the use of firearms or ammunition as a method of taking wildlife and regulating shooting ranges managed by the Commission.

The bill requires the court to declare any ordinance, rule, or regulation enacted in violation of the prohibition invalid and to issue an injunction prohibiting its enforcement. If the court determines that the violation was knowing and willful, the court must assess a civil fine of up to \$5,000 against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation occurred. Knowing and willful violations are also cause for immediate termination of employment.

The bill also authorizes a person or organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of the statute to file suit for declarative and injunctive relief and for actual damages caused by the violation. The bill requires the court to award the prevailing plaintiff in any such suit attorneys fees and costs, including a contingency fee multiplier, and the actual damages incurred (the actual damages award cannot exceed \$100,000).

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/CS/HB 75 - Offense of Sexting

By: Judiciary Committee; Criminal Justice Subcommittee; Abruzzo and others

Tied Bills: None

Companion Bills: CS/CS/SB 888

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Law Enforcement

Keywords: Juvenile Justice, Criminal

The act of electronically sending sexually explicit messages or photos of oneself is generally referred to as "sexting." The bill creates the offense of sexting. It specifies that a minor commits sexting if he or she knowingly:

- Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity and is harmful to minors; or
- Possesses a photograph or video that was transmitted or distributed by another minor as described above.

A minor does not commit sexting if the minor did not solicit the photograph or video, took reasonable steps to report the photograph or video to the minor's legal guardian or to a school or law enforcement official, and did not transmit or distribute the photograph or video to a third party.

The bill specifies that the transmission or distribution of multiple photographs or videos is a single offense if the photographs or videos were transmitted or distributed by the minor within the same 24-hour period. The bill also provides that the possession of multiple photographs or videos that were transmitted or distributed by a minor is a single offense if such photographs or videos were transmitted or distributed by the minor in the same 24-hour period.

A minor who commits sexting is subject to the following penalties:

- A first violation is a non-criminal violation punishable by 8 hours of community service or, if ordered by the court in lieu of community service, a \$60 fine. Additionally, the court may order the minor to participate in suitable training or instruction in lieu of, or in addition to, community service or a fine;
- A minor commits a first degree misdemeanor, punishable by up to one year in jail and a \$1,000 fine, for a violation that occurs after being found to have committed a noncriminal sexting offense;
- A minor commits a third degree felony, punishable by up to five years imprisonment and a \$5,000 fine, for a violation that occurs after being found to have committed a first degree misdemeanor sexting offense;

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/HB 105 - Open House Parties

By: Judiciary Committee; Goodson and others

Tied Bills: None

Companion Bills: CS/SB 746

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Law Enforcement, Courts

Keywords: Drugs, Sentencing

Under current law, it is a second degree misdemeanor offense if a person knowingly hosts an open house party where alcohol or drugs are possessed or consumed by a minor without having taken reasonable steps to prevent such possession or consumption. This bill enhances the open house party offense to a first degree misdemeanor for a second or subsequent open house party conviction. The bill provides a first degree misdemeanor penalty for a violation of the open house party law that causes or contributes to causing serious bodily injury or death to a minor. The bill also provides a first degree misdemeanor penalty for a violation of the open house party law if a minor causes or contributes to causing serious bodily injury or death to another as a result of the minor's consumption of alcohol or drugs at the open house party.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 155 - Privacy of Firearm Owners

By: Health & Human Services Committee; Criminal Justice Subcommittee; Brodeur and others

Tied Bills: None

Companion Bills: CS/CS/CS/SB 432

Committee(s) of Reference: Criminal Justice Subcommittee; Health & Human Services Committee; Judiciary Committee

Category: Health

Keywords: Weapons, Insurance, Regulation, Hospital

The bill prohibits a licensed health care practitioner or licensed health care facility from intentionally entering any disclosed information concerning firearm ownership into a patient's health record if the information is not relevant to the patient's medical care or safety or the safety of others. Additionally, licensed health care providers and health care facilities:

- Should refrain from inquiring, whether oral or written, about the patient's or patient's family member's ownership of firearms or ammunition unless the information is relevant to the patient's medical care or safety, or the safety of others;
- Are prohibited from discriminating against a patient based upon whether the patient exercises his or her constitutional right to own and possess firearms or ammunition; and
- Must respect a patient's right to own or possess a firearm and refrain from harassing a patient about firearm ownership during an examination.

Non-compliance by licensed health care practitioners and health care facilities constitutes grounds for disciplinary action under ss. 456.072 and 395.1055, F.S.

Additionally, the bill specifies that patients have the right to decline to answer or provide any information concerning the ownership of a firearm and that a patient's decision not to answer does not alter existing law regarding a physician's authority to choose patients.

The bill amends Florida's Patient's Bill of Rights and Responsibilities (s. 381.026, F.S.) to include the above-described provisions.

The bill provides an emergency medical technician or paramedic the authority to inquire in good faith, about the possession or presence of a firearm if they believe that it is relevant to the treatment of a patient during the course and scope of a medical emergency or if the presence or possession of a firearm poses a threat of imminent danger to the patient or others.

Insurers issuing the types of policies regulated pursuant to Chapter 627 are prohibited from discriminating, denying coverage, or increasing premiums on the basis that an insured or applicant possesses or owns a firearm or ammunition. However, insurers are allowed to consider the fair market value of firearms or ammunition when setting premiums for scheduled personal property coverage.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 170 - Electronic Filing and Receipt of Court Documents

By: Budget Subcommittee on Criminal and Civil Justice Appropriations; Judiciary; Bennett

Tied Bills: None

Companion Bills: CS/CS/HB 443

Committee(s) of Reference: Judiciary; Budget Subcommittee on Criminal and Civil Justice Appropriations; Budget

Category: Courts

Keywords: Clerks of Court

The bill creates ss. 27.341 and 27.5112, F.S., which are both entitled, "Electronic filing and receipt of court documents." The bill:

- Requires the state attorney and the public defender offices to electronically file court documents with the clerk of the court and to electronically receive court documents from the clerk of the court;
- Expresses the expectation of the Legislature that each state attorney and public defender consult with specified entities in implementing the bill's electronic filing and receipt of court documents requirement;
- Requires the Florida Prosecuting Attorneys Association and the Florida Public Defender Association to report to Legislative leaders by March 1, 2012, on the progress made to use the Florida Courts E-Portal, or other clerks' offices portals for purposes of electronic filing and receipt of court documents; and
- Requires parties represented by attorneys in hearings under the Department of Administrative Hearings' Adjudication of Disputes Program and in the Worker's Compensation Appeals Program to file all documents electronically.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/SB 234 - Firearms

By: Rules; Criminal Justice; Evers and others

Tied Bills: None

Companion Bills: CS/CS/HB 517

Committee(s) of Reference: Criminal Justice; Judiciary; Rules

Category: Law Enforcement, Repeals of Existing Law

Keywords: Weapons, Criminal

Generally, it is unlawful for a person to openly carry a firearm. The bill specifies that it is not a crime for a concealed firearm permit holder, who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not necessary in self-defense.

The bill also repeals s. 790.28, F.S., which limits Florida residents to the purchase of rifles and shotguns in contiguous states. As a result, Florida residents will be permitted to purchase rifles and shotguns in any state (not just contiguous states) so long as federal requirements are met, which include:

- The transferee meets in person with the transferor to accomplish the transfer; and
- The sale, delivery, and receipt fully comply with the legal conditions of sale in both such states.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 240 - Violations of Injunctions for Protection

By: Joyner

Tied Bills: None

Companion Bills: HB 101

Committee(s) of Reference: Criminal Justice; Judiciary; Budget

Category: Law Enforcement

Keywords: Assault, Criminal

The bill adds the following to the list of ways in which a person could violate injunctions for protection against repeat violence, sexual violence, or dating violence:

- Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

Violation of an injunction for protection is a first degree misdemeanor offense.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/HB 251 - Sexual Offenses

By: Judiciary Committee; Appropriations Committee; Criminal Justice Subcommittee; Dorworth and others

Tied Bills: None

Companion Bills: CS/CS/SB 488; includes parts of CS/HB 595; CS/CS/SB 846

Committee(s) of Reference: Criminal Justice Subcommittee; Appropriations Committee; Judiciary Committee

Category: Courts, Law Enforcement

Keywords: Criminal, Assault, Child Protection, Internet, Police, Sheriff

The bill creates the "Walk in Their Shoes Act." This bill does the following:

- Expands the admissibility of collateral crime or “similar fact” evidence in cases where a person is charged with child molestation or a sexual offense;
- Allows the use of a registered service or therapy animal when taking the testimony of children in any proceeding involving a sexual offense;
- Prohibits a court from granting a criminal defendant’s request to duplicate or copy material depicting sexual performance by a child or child pornography as long as the state attorney makes the material reasonably available to the defendant for inspection;
- Requires licensed facilities providing emergency room services to gather forensic medical evidence from victims of sexual assault who have reported a sexual battery to a law enforcement agency or who have requested such evidence be gathered for purposes of filing a report in the future;
- Amends the statute of limitations for video voyeurism offenses to authorize commencement of prosecutions within one year from either the date the victim learns of the existence of the video recording or the date the recording is confiscated by law enforcement, whichever occurs first;
- Adds crimes to the list of offenses for which an additional \$151 surcharge will be assessed against a convicted defendant in order to fund to the Rape Crisis Program Trust Fund;
- Amends s. 960.003, F.S., to require hepatitis testing to the same extent as HIV testing and to provide for follow-up HIV testing if medically appropriate. The bill also requires the court, upon a victim’s request, to order specified defendants to undergo hepatitis and HIV testing within 48 hours of the filing of the formal charging document or, if such time has passed, within 48 hours of a victim’s request;
- Requires Internet safety to be taught at public schools;
- Requires a law enforcement officer investigating a sexual battery to provide or arrange for the victim's transportation to an appropriate facility, and to permit the victim to review the officer’s final report for accuracy;
- Makes it a second degree felony for a person to "intentionally view" specified items that portray sexual conduct by a child; and
- Appropriates \$1.5 million nonrecurring General Revenue funds to a nonprofit organization for the purposes of educating adults and children about sexual abuse topics through an in-school curriculum and for maintaining a 24-hour crisis hotline.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011, except as otherwise specified.

CS/CS/HB 339 - Possession of Stolen Credit or Debit Cards

By: Judiciary Committee; Criminal Justice Subcommittee; Perman and others

Tied Bills: None

Companion Bills: CS/SB 920

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Law Enforcement

Keywords: Credit, Fraud

The bill provides that a person commits a third degree felony if a person knowingly possesses, receives, or retains custody of a credit or debit card that has been taken from the possession, custody, or control of another without the cardholder's consent with the intent to impede the recovery of the credit or debit card by the cardholder.

The bill also specifies that this new offense does not apply to a retailer or retail employee who, in the ordinary course of business, possesses, receives, or returns a credit card or debit card that the retailer or retail employee does not know was stolen; or who possesses, receives, or retains a credit card or debit card that the retailer or retail employee knows is stolen for the purpose of an investigation into the circumstances regarding the theft of the card or its possible unlawful use.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 347 - Vehicle Crashes Involving Death

By: Diaz; Trujillo and others

Tied Bills: None

Companion Bills: SB 514

Committee(s) of Reference: Criminal Justice Subcommittee; Transportation & Highway Safety Subcommittee; Judiciary Committee

Category: Law Enforcement

Keywords: Auto, Criminal, Highway Safety

The bill creates the "Ashley Nicole Valdes Act," in honor of an eleven year old hit-and-run victim.

The bill provides that a person arrested for failure to stop a vehicle at the scene of an accident involving the death of any person and who has previously been convicted of s. 316.027, F.S. (leaving the scene of an accident), s. 316.061, F.S. (crashes involving damage to vehicle or property), s. 316.191, F.S. (racing on highways), s. 316.193, F.S. (driving under the influence), or a felony violation of s. 322.34, F.S. (driving while license suspended, revoked, canceled, or disqualified), must be held in custody until first appearance.

The bill prevents judges who issue warrants for failure to stop a vehicle at the scene of an accident involving death from setting a predetermined bond amount in an arrest warrant. The bill also prevents local jurisdictions from placing such offense on a bond schedule with predetermined bond amounts.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/CS/HB 369 - Faith- and Character-based Correctional Institution Programs

By: Judiciary Committee; Criminal Justice Subcommittee; Rouson and others

Tied Bills: None

Companion Bills: CS/SB 2010, HB 4215, SB 2018

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Corrections

Keywords: Inmates, Prisons, Private Prisons, Department of Corrections

The bill rewords the "faith-based programs for inmates" section of statute to add secular language.

The bill adds legislative intent language to s. 944.803, F.S., encouraging the Department of Corrections to expand the faith- and character-based initiative through the use of faith- and character-based institutions while phasing out the faith-based/self improvement dormitories.

The bill provides that peer-to-peer programs must be allowed at faith- and character-based institutions when appropriate.

This bill removes:

- Obsolete requirements that the Department of Corrections establish and operate six new faith based programs;
- Provisions that require 80 percent of the inmates participating in the faith-based/self improvement dormitory program to be within 36 months of release;
- Faith- and character-based program priority assignments given to inmates who have shown an indication for substance abuse; and
- Requirements regarding chaplain assignments in correctional institutions, dormitories, and community correctional centers.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 400 (ch. 2011-33, L.O.F.) - Treatment-based Drug Court Programs

By: Criminal Justice; Wise and others

Tied Bills: None

Companion Bills: CS/HB 81

Committee(s) of Reference: Criminal Justice; Judiciary; Budget

Category: Courts, Corrections

Keywords: Criminal, Sentencing, Drug Testing

The bill expands the eligibility criteria for post-adjudicatory treatment-based drug court programs by:

- Increasing the number of sentencing points allowed for admission into a post-adjudicatory treatment-based drug court program from 52 to 60; and
- Allowing an offender to be placed into a post-adjudicatory drug court program after violating the terms of his or her probation or community control.

The bill also allows a drug court participant to have all of his or her probation and community control violations heard by the judge presiding over the post-adjudicatory drug court.

The bill became law on May 5, 2011, chapter 2011-33, Laws of Florida, and becomes effective July 1, 2011.

CS/CS/HB 563 - Injunctions for Protection Against Domestic Violence, Repeat Violence, Sexual Violence, or Dating Violence

By: Judiciary Committee; Criminal Justice Subcommittee; Jones and others

Tied Bills: None

Companion Bills: CS/SB 438

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Law Enforcement, Courts

Keywords: Assault, Clerks of Court, Criminal, Domestic Violence, Grant, Police, Sheriff

The bill requires the Florida Association of Court Clerks and Comptrollers, subject to available funding, to develop an automated process by which a petitioner may request notification that a respondent has been served with a protective injunction against domestic violence, repeat violence, dating violence, or sexual violence. The bill requires notification to be made within 12 hours after the sheriff or other law enforcement officer has served the injunction upon the respondent. Such notification must include the date, time, and location in which the protective injunction was served.

The bill also provides that the Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 618 - Juvenile Justice

By: Criminal Justice; Evers

Tied Bills: None

Companion Bills: Includes parts of CS/CS/HB 4157; parts of HB 1233; parts of CS/SB 1850

Committee(s) of Reference: Criminal Justice; Budget Subcommittee on Criminal and Civil Justice

Appropriations; Budget

Category: Repeals of Existing Law

Keywords: Criminal, Juvenile Justice

The bill repeals and amends numerous sections of ch. 985, F.S., to remove obsolete language, to more accurately reflect current practices of the Department of Juvenile Justice, and to authorize the Department of Juvenile Justice to continue providing staff development and training to department program staff. The specific provisions which the bill deletes are as follows:

- The definition of “serious or habitual juvenile offender program” (SHOP) in s. 985.03(48), F.S., the legislative intent language relating to SHOP in s. 985.02(5), F.S., and the statute implementing this program in s. 985.47, F.S., two statutes implementing the intensive residential treatment program for offenders under 13 years of age (JR. SHOP) in ss. 985.483 and 985.486, F.S., and the definition of “training school” in s. 985.03(56), F.S.;
- References in s. 985.494, F.S., to SHOP, JR. SHOP, the early delinquency intervention program, and the sheriff’s training and respect (STAR) programs (formerly known as juvenile boot camps);
- References to the STAR program in s. 985.445, F.S., which authorizes the court to place a child adjudicated for a grand theft of a motor vehicle offense into a STAR program;
- An obsolete statute, s. 985.636, F.S., relating to inspectors within the Inspector General’s Office being sworn law enforcement officers, if the Secretary of the Department of Juvenile Justice deems it necessary to enforce criminal law and conduct criminal investigations relating to state operated facilities; and
- Obsolete references to the Juvenile Justice Standards and Training Commission which provided staff development and training until it expired in 2001 and the Department of Juvenile Justice took over those duties. The bill codifies current practice by specifying that the Department of Juvenile Justice is responsible for staff development and training.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/SB 664 - Missing Person Investigations/Silver Alert

By: Judiciary; Benacquisto and others

Tied Bills: None

Companion Bills: CS/HB 513

Committee(s) of Reference: Criminal Justice; Judiciary; Budget Subcommittee on Criminal and Civil Justice Appropriations; Budget (w/d)

Category: Law Enforcement

Keywords: Elderly, Police, Sheriff, State Trooper

The bill amends the definition of “missing endangered person” in s. 937.0201, F.S., to specifically include a missing adult who meets the criteria for activation of a Silver Alert. The Silver Alert was developed to broadcast information in a timely manner to the general public about a missing elderly person who suffers from irreversible deterioration of intellectual faculties.

The bill also provides that only the law enforcement agency having jurisdiction over the case may make a request to the Missing Endangered Persons Information Clearinghouse for the activation of a state Silver Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation of the Silver Alert Plan.

The bill provides immunity from civil liability to entities who act in good faith when requested to record, report, transmit, display, or release information pertaining to a Silver Alert.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/SB 844 (ch. 2011-38, L.O.F.) - Violations/Probation/Community Control/Widman Act

By: Budget; Benacquisto and others

Tied Bills: None

Companion Bills: CS/HB 575

Committee(s) of Reference: Criminal Justice; Judiciary; Budget

Category: Courts, Law Enforcement

Keywords: Criminal, Sentencing

Section 948.03, F.S., contains a standard condition requiring probationers to live without violating the law. Thus, if a person on probation is arrested for a new criminal offense, that person can also be arrested for violating the terms of probation. Section 948.06, F.S., sets forth two ways in which a probationer can be arrested for violating probation:

- Whenever there are reasonable grounds to believe that a probationer has violated his or her probation in a material respect, a law enforcement officer who is aware of the probationary status of the probationer or a probation supervisor may arrest the probationer without a warrant and return him or her to the court granting such probation; and
- A probation officer may file an affidavit with the court alleging a violation of probation. After the court evaluates the facts alleged in the affidavit, the court may issue a warrant for the probationer’s arrest or in some instances, a notice to appear.

The bill provides a third way in which a probationer can be arrested for violating probation:

- The court may order the arrest of a probationer pursuant to the court finding that the probationer has committed a new law violation and that there exist reasonable grounds to believe that the probationer or offender has therefore violated his or her probation in a material respect.

The bill also allows the court to consider the likelihood of a prison sanction on the violation of probation based on the new law violation as a factor in determining bail.

The bill became law on May 9, 2011, chapter 2011-38, Laws of Florida, and becomes effective October 1, 2011.

CS/HB 997 - Juvenile Civil Citations

By: Justice Appropriations Subcommittee; Pilon and others

Tied Bills: None

Companion Bills: CS/SB 1300

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Law Enforcement, Local Government

Keywords: Civil, Criminal, Juvenile Justice, Police, Sheriff

The bill requires that a civil citation or similar diversion program be established at the local level. The bill specifies that the program may be operated by:

- A law enforcement agency;
- The Department of Juvenile Justice;
- A juvenile assessment center;
- A county or municipality; or
- An entity selected by a county or municipality.

The bill requires the Department of Juvenile Justice to develop guidelines for the civil citation program which include intervention services that are based upon proven civil citation or similar diversion programs within Florida.

The bill restricts civil citation or similar diversion programs to only first-time misdemeanor offenders and requires juveniles participating in a civil citation or similar diversion program to participate in no more than 50 community service hours and intervention services as indicated by an assessment of the juvenile's needs. Upon completion of the civil citation or similar diversion program, the agency who issued the citation must report the outcome to the Department of Juvenile Justice.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 1029 - Interstate Compact for Juveniles

By: Brodeur

Tied Bills: None

Companion Bills: SB 1494

Committee(s) of Reference: Criminal Justice Subcommittee; Rulemaking & Regulation Subcommittee; Judiciary Committee

Category: Corrections, Law Enforcement

Keywords: Juvenile Justice

The bill reenacts s. 985.802, F.S., relating to Execution of Interstate Compact for Juveniles (compact), and s. 985.8025, F.S., relating to State Council for Interstate Juvenile Offender Supervision. The compact governs interstate movement of juveniles on probation and parole as well as extradition across state lines of runaways, escapees, absconders and juveniles charged as delinquent. The compact became effective in August 2008, but due to a sunset provision, expired on August 26, 2010.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 1039 - Controlled Substances

By: Justice Appropriations Subcommittee; Patronis and others

Tied Bills: None

Companion Bills: CS/SB 1886

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Health, Law Enforcement

Keywords: Criminal, Drug Abuse, Drugs

The bill adds the following substances, currently marketed as "bath salts", to Schedule I of Florida's controlled substance schedules:

- 3,4-Methylenedioxy methcathinone;
- 3,4-Methylenedioxy pyrovalerone (MDPV);
- Methylmethcathinone;
- Methoxymethcathinone;
- Fluoromethcathinone; and
- Methylethcathinone.

As a result, anyone in possession of these substances will be guilty of a third degree felony in conformity with other Schedule I hallucinogens such as LSD and peyote. This offense will be ranked in Level 3 of the offense severity ranking chart. The offense of sale, manufacture or delivery or possession with intent to sell, manufacture or deliver these substances will be a third degree felony and will be ranked in Level 3 of the offense severity ranking chart. The purchase of these substances will be a third degree felony and will be ranked in Level 2 of the offense severity ranking chart.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 4159 - State Attorneys

By: Ray

Tied Bills: None

Companion Bills: CS/SB 1092

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Courts, Repeals of Existing Law

Keywords: Criminal, Sentencing

The bill removes the following reporting requirements for state attorneys:

- The requirement to submit a quarterly report to the Florida Prosecuting Attorneys Association regarding defendants who do not receive a minimum mandatory sentence pursuant to the "10-20-Life" statute;
- The requirement to submit an annual report to the Legislature and the Governor regarding the prosecution and sentencing of defendants pursuant to the "10-20-Life" statute;
- The requirement to adopt uniform criteria when deciding to pursue habitual felony offender, habitual violent felony offender, or violent career criminal sanctions and to report such criteria to the Florida Prosecuting Attorneys Association; and
- The requirement to develop written policies and guidelines to govern determinations for direct filing an information on a juvenile and submit those guidelines to the Legislature and the Governor.

Sentencing deviation information required by ss. 27.366 and 775.087, F.S., will still be documented in a defendant's case file and will still be available to the public.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HOUSE OF REPRESENTATIVES

Redistricting Committee

**Representative Will Weatherford, Chair
Representative Stephen Precourt, Vice Chair**

2011 SUMMARY OF PASSED LEGISLATION



Congressional Redistricting Subcommittee

**Representative John Legg and Representative Doug Holder, Co-Chairs
Representative Mike Horner, Vice Chair**

House Redistricting Subcommittee

**Representative Robert Schenck and Representative Chris Dorworth, Co-Chairs
Representative James Frishe, Vice Chair**

Senate Redistricting Subcommittee

**Representative Dorothy Hukill and Representative Peter Nehr, Co-Chairs
Representative Ritch Workman, Vice Chair**

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Redistricting Committee

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Congressional Redistricting Subcommittee

The Congressional Redistricting Subcommittee was not first reference on any bill that passed both houses of the Legislature.

House Redistricting Subcommittee

The House Redistricting Subcommittee was not first reference on any bill that passed both houses of the Legislature.

Senate Redistricting Subcommittee

The Senate Redistricting Subcommittee was not first reference on any bill that passed both houses of the Legislature.

HOUSE OF REPRESENTATIVES

Rules & Calendar Committee

Representative Gary Aubuchon, Chair

Representative Eric Eisnagle, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



Rulemaking & Regulation Subcommittee

Representative Chris Dorworth, Chair

Representative Lake Ray, Vice Chair

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SB 916 (ch. 2011-2, L.O.F.) - Official Florida Statutes

By: Thrasher

Tied Bills: None

Companion Bills: HB 7013

Committee(s) of Reference: Rules

Category:

Keywords:

This bill was drafted by the Division of Statutory Revision of the Office of Legislative Services to prospectively adopt the Florida Statutes 2011 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The 2011 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2010 Regular Session together with corrections, changes and amendments to and repeals of provisions of 2010 Florida Statutes enacted in additional reviser's bill(s) by the 2011 Legislature. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2010, which thus serve as the best evidence of the law.

Legislation passed in the November 2010 Special Session and the 2011 Regular Legislative Session, which will have occurred since the publication of the 2010 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law until it is adopted in 2012.

The bill became law on March 25, 2011. The effective date of chapter 2011-2, Laws of Florida, is July 6, 2011.

SB 924 (ch. 2011-3, L.O.F.) - Florida Statutes

By: Thrasher

Tied Bills: None

Companion Bills: HB 7009

Committee(s) of Reference: Rules

Category:

Keywords:

This bill deletes statutory provisions that have been repealed by a non-current (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect. Such provisions may be omitted from publication in the 2011 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

The bill became law on March 25, 2011. The effective date of chapter 2011-3, Laws of Florida, is July 6, 2011.

SB 944 (ch. 2011-4, L.O.F.) - Florida Statutes

By: Thrasher

Tied Bills: None

Companion Bills: HB 7007

Committee(s) of Reference: Rules

Category:

Keywords:

The bill is a general reviser's bill of technical nature that deletes expired or obsolete language; corrects cross-references and grammatical errors; removes inconsistencies, redundancies, and unnecessary repetition in the statutes; improves the clarity of the statutes and facilitates their correct interpretation; and confirms the restoration of provisions unintentionally omitted from republication in the Legislature's acts during the amendatory process.

The bill became law on March 25, 2011. The effective date of chapter 2011-4, Laws of Florida, is July 6, 2011.

SB 946 (Ch. 2011-5, L.O.F.) - Florida Statutes

By: Thrasher

Tied Bills: None

Companion Bills: HB 7011

Committee(s) of Reference: Rules

Category:

Keywords:

This reviser's bill amends sections in the Florida K-20 education code to conform to the directive of the legislature to the Division of Statutory Revision to submit a reviser's bill substituting the term "Florida College System institution" for the terms "Florida college," "community college," and "junior college" where those terms appear in the Florida K-20 education code pursuant to s. 21, chapter 2010-70, Laws of Florida.

The bill became law on March 25, 2011. The effective date of chapter 2011-5, Laws of Florida, is July 6, 2011.

SCR 1202 - Joint Rules of the Legislature

By: Thrasher

Tied Bills: None

Companion Bills: HCR 7015

Committee(s) of Reference: Rules

Category:

Keywords:

SCR 1202 is a concurrent resolution proposing the establishment of the Joint Rules of the Florida Legislature for the 2010-2012 term. The concurrent resolution:

- Deletes obsolete provisions and makes minor revisions to Joint Rule One, regarding lobbyist registration and reporting;
- Revises Joint Rule Two, governing the General Appropriations Act process;
 - Allows electronic copies, in lieu of paper copies, of the General Appropriations Act
 - Imposes a 24-hour review period on implementing and conforming bills that are published after the onset of the 72-hour General Appropriations Act review
- Revises Joint Rules Three and Four, relating to joint legislative offices and standing joint committees;
 - Establishes the following Joint Legislative Offices:
 - Office of Economic and Demographic Research
 - Office of Legislative Information Technology Services
 - Office of Legislative Services
 - Office of Program Policy Analysis and Government Accountability
 - Establishes the following standing joint committees:
 - Administrative Procedures Committee
 - Committee on Public Counsel Oversight
 - Legislative Auditing Committee
 - Provides for special powers and duties of the standing joint committees
 - Establishes consistent procedural rules governing joint committees
- Retains the substance of Joint Rule Five, regarding the Auditor General; and
- Retains the substance of Joint Rule Seven, regarding the Joint Legislative Budget Commission.

Portions of this concurrent resolution are part of a reform package that was considered with SB 1204 which removes statutory language purporting to create or direct joint legislative committees and joint legislative offices.

This concurrent resolution became effective upon adoption by the Senate and House of Representatives, and was filed with the Secretary of State on March 10, 2011.

SB 1204 (ch. 2011-34, L.O.F.) - Joint Legislative Organizations

By: Thrasher

Tied Bills: CS/SB 1970

Companion Bills: HB 7017

Committee(s) of Reference: Rules

Category:

Keywords:

This bill removes statutory language purporting to create or direct joint legislative committees and joint legislative offices allowing the current Legislature to assert direct administrative oversight through the adoption of Joint Rules. Thus, current and future legislative bodies are not bound by a former Legislature's organization and staffing.

This bill also establishes statutory definitions consistent with governance by joint rule for the Administrative Procedures Committee, the Legislative Auditing Committee, the Office of Program Policy Analysis and Government Accountability and the Office of Economic and Demographic Research.

The bill repeals sections of statute which create the following legislative commissions, councils or committees:

- Legislative Committee on Intergovernmental Relations;
- Joint Legislative Committee on Everglades Oversight;
- Joint Legislative Sunset Committee;
- The joint select committee created to review the findings and recommendations of the Century Commission for a Sustainable Florida;
- Technology Review Workgroup;
- Legislative Commission on Migrant and Seasonal Labor; and
- Council for Education Policy Research and Improvement.

The bill provides that this act shall take effect upon becoming a law.

The bill became law on May 5, 2011, chapter 2011-34, Laws of Florida, and became effective on that date.

HJR 7103 - Agriculture/HB 7103 New Effective Date

By: Rules & Calendar Committee; Crisafulli

Tied Bills: None

Companion Bills: None

Committee(s) of Reference:

Category:

Keywords:

Provides that CS/HB 7103, an act relating to agriculture, enacted during the 2010 Regular Session of the Legislature, shall take effect upon becoming a law, the veto of the Governor notwithstanding.

HJR 7103 passed both chambers on March 24, 2011 and was filed with the Secretary of State on March 29, 2011.

HJR 7105 - Campaign Financing/HB 1207 New Effective Date

By: Rules & Calendar Committee; Crisafulli

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category:

Keywords:

Provides that CS/CS/HB 1207, an act relating to campaign financing, enacted during the 2010 Regular Session of the Legislature, shall take effect upon becoming a law, the veto of the Governor notwithstanding; provides for construction of the act in pari materia with laws enacted during the 2010 Regular Session of the Legislature.

HJR 7105 passed both chambers on March 24, 2011, and was filed with the Secretary of State on March 29, 2011.

HB 7253 - Ratification of Rules Pertaining to Land Planning Regulations for the Florida Keys Area of Critical State Concern

By: Rules & Calendar Committee; Dorworth

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: None

Category:

Keywords: Rules

The bill ratified rules adopted by the Administration Commission on April 11, 2011. The rules would affect the comprehensive plans for three communities in the Florida Keys Area of Critical State Concern: the City of Marathon, the Village of Islamorada, and Monroe County. Each of the following rules would have a specific, adverse economic effect, or would increase regulatory costs, exceeding \$1 million over the first five years the rule was in effect: Florida Administrative Code Rules 28-18.100, 28-18.400, 28-19.310, and 28-20.400. These rules required legislative ratification under s. 120.541(3), F.S., before they could go into effect. Accordingly, the rules were submitted to the Legislature for ratification on April 12, 2011.

The bill is limited to authorizing each of the referenced rules to go into effect and does not adopt the substance of any rule into the statutes.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Rulemaking & Regulation Subcommittee

CS for CS/CS/HB 993 & HB 7239 - Rulemaking

By: Rules & Calendar Committee; Government Operations Subcommittee; Rulemaking & Regulation Subcommittee; Roberson; Gaetz

Tied Bills: None

Companion Bills: CS/CS/SB 1382; includes part(s) of CS/CS/CS/HB 849; CS/CS/CS/HB 991; CS/CS/CS/HB 1363; HB 7239; CS/CS/SB 396; CS/CS/SB 736 (Ch. 2011-1, L.O.F.); SB 1404

Committee(s) of Reference: Rulemaking & Regulation Subcommittee; Government Operations Subcommittee; Rules & Calendar Committee

Category: None

Keywords: Administrative Law, Rulemaking

The bill makes several amendments to the administrative process under ch. 120, F.S., the Administrative Procedures Act.

- A. The bill makes technical revisions to the rulemaking process:
 - Requires an agency's notice of proposed rulemaking under s. 120.54(3)(a)1., F.S., to state whether the Legislature must ratify the rule before it takes effect; and
 - Resolves timing conflicts by reversing changes made in ch. 2010-279, L.O.F.:
 - Requires submission of a revised statement of estimated regulatory costs at least 21 days before the rule is filed for adoption, instead of 45 days; and
 - Reverts from 44 to 20 days the time for challenging a proposed rule after the agency provides a statement of estimated regulatory costs or a revised statement of estimated regulatory costs.
- B. The bill makes amendments addressing issues arising from the passage of HB 1565 in 2010 (codified as ch. 2010-279, L.O.F.):
 - Expands an agency's authority to modify or withdraw proposed rules in response to:
 - An objection by the Joint Administrative Procedures Committee;
 - A final order, not subject to further appeal, entered in a rule challenge brought after adoption of the rule but before the rule takes effect;
 - If the rule requires ratification, and more than 90 days have passed since the rule was filed for adoption without the Legislature ratifying the rule, the agency may withdraw but not modify the rule; and
 - A notice from the Joint Administrative Procedures Committee that it is considering an objection to the rule, in which case the rule may be modified to extend the effective date by not more than 60 days.
 - Expressly includes legislative ratification in the statutory description of those contingencies affecting when a rule goes into effect.
- C. The bill exempts specific categories of rulemaking from required legislative ratification:
 - Amends s. 120.541(4), F.S., to clarify both emergency rulemaking under s. 120.54(4), F.S., and rulemaking under s. 120.54(6), F.S., to adopt federal standards are exempt from the

requirements to prepare a statement of estimated regulatory costs and for legislative ratification;

- Amends s. 120.80(16), F.S., to exempt amendments and triennial updates of the Florida Building Code from the requirement for legislative ratification;
 - Creates s. 120.80(17), F.S., to exempt amendments and triennial updates of the Florida Fire Prevention Code from the requirement for legislative ratification;
 - Creates s. 120.80(18), F.S., to exempt adjustment of tolls under s. 338.165(3), F.S., from the requirements to prepare a statement of estimated regulatory costs and for legislative ratification; and
 - Amends s. 120.81(1), F.S., to exempt rulemaking required under ch. 2011-1, L.O.F., from the requirements to prepare a statement of estimated regulatory costs and for legislative ratification.
- D. The bill clarifies the role of non-applicant petitioners in administrative proceedings opposing the issuance of a license, permit or conceptual approval under chs. 373, 378, or 403, F.S. Under the bill, such interveners have the burden of ultimate persuasion, meaning they are required to prove the agency should not grant the application based on their objection(s).
- E. The bill adds s. 120.745, F.S., creating a three-year process during which agencies shall review all rules in effect prior to the passage of HB 1565 on November 16, 2010, applying the economic thresholds created in that law. Agencies shall prepare an economic analysis for those existing rules meeting the statutory thresholds and report the results to the Legislature. This specific review section is repealed on July 1, 2014.
- F. The bill creates s. 120.7455, F.S., providing for a legislative survey requesting information from the public about burdensome rules and regulations. The section also provides limited use immunity and protection from retaliatory prosecution for members of the public who respond to the survey.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 1430 - Regulation of Smoking

By: Education Pre-K - 12; Regulated Industries; Altman

Tied Bills: None

Companion Bills: CS/CS/HB 891

Committee(s) of Reference: Regulated Industries; Education Pre-K - 12; Judiciary

Category: Local Government

Keywords: Home Rule

The Florida Clean Indoor Air Act, Part II of ch. 386, F.S., was enacted in 2003 to implement Article X, Section 20 of the Florida Constitution. The Act preempts regulation of smoking to the state and supersedes any municipal or county ordinance. On December 29, 2010, the Florida Attorney General issued an opinion finding the preemption section in the Act precluded the School District of Palm Beach County from regulating smoking on school property.

CS/CS/HB 891 was passed by the House as CS/CS/SB 1430 and amends s. 386.209, F.S. to clarify as an exception to the state's preemption of smoking regulation that district school boards have authority to restrict smoking on school district property.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HOUSE OF REPRESENTATIVES
State Affairs Committee
Representative Seth McKeel, Chair
Representative Jimmy Patronis, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



Agriculture & Natural Resources Subcommittee

Representative Steve Crisafulli, Chair
Representative Rachel V. Burgin, Vice Chair

Energy & Utilities Subcommittee

Representative Clay Ford, Chair
Representative Peter Nehr, Vice Chair

Federal Affairs Subcommittee

Representative Scott Plakon, Chair
Representative Peter Nehr, Vice Chair

Government Operations Subcommittee

Representative Jimmy Patronis, Chair
Representative Debbie Mayfield, Vice Chair

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CS/CS/SB 1312 - School Nutrition Programs

By: Budget; Agriculture; Siplin

Tied Bills: None

Companion Bills: CS/CS/HB 7219

Committee(s) of Reference: Agriculture; Budget Subcommittee on General Government

Appropriations; Budget; Rules

Category: Agriculture, Education

Keywords: School Lunch

The bill transfers the school food and nutrition programs from the Department of Education to the Department of Agriculture and Consumer Services. The transfer includes all powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the administration of the school food and nutrition programs. The bill also transfers the Food and Nutrition Services Trust Fund in the Department of Education to the Department of Agriculture and Consumer Services.

The National School Lunch Program, the School Breakfast Program, the Summer Food Service Program, the Commodity Food Distribution Program, and the Emergency Food Assistance Program are all federal programs administered by the U.S. Department of Agriculture at the national level. At the state level in Florida, the NSLP, SBP, and SFSP are administered by the Department of Education, while the Commodity Food Distribution Program and the Emergency Food Assistance Program are administered by the Department of Agriculture and Consumer Services.

The bill authorizes the Department of Agriculture and Consumer Services to conduct, supervise, and administer all school food and nutrition programs that are carried out using federal or state funds or funds from other sources, and to coordinate with the federal government to take advantage of any federal financial allotments and assistance that would benefit the school food and nutrition programs. The Department of Agriculture and Consumer Services may act as an agent of, or contract with, the federal government, another state agency, or any county or municipal government regarding the administration of the school food and nutrition program, including the distribution of funds provided by the federal government in support of the school food and nutrition program.

The bill requires each school district to submit an updated copy of its wellness policy and physical education policy to the Department of Education and the Department of Agriculture and Consumer Services when a change or revision is made. The Department of Agriculture and Consumer Services, as well as the Department of Education, must provide website links to information regarding the nutritional content of foods and beverages and to healthful food choices in accordance with the dietary guidelines of the U.S. Department of Agriculture.

The bill creates the Healthy Schools for Healthy Lives Council within the Department of Agriculture and Consumer Services. The council consists of 11 members appointed by the Commissioner of Agriculture and shall advise the Department of Agriculture and Consumer Services on matters relating to nutritional standards and the prevention of childhood obesity, nutrition education, anaphylaxis, and other needs to further the development of the various school nutrition programs.

The bill requires the Department of Education, in consultation with the Department of Agriculture and Consumer Services, to develop and submit a waiver request to the U.S. Department of Agriculture within 30 days of the bill becoming law. The bill also requires the Department of Education to provide notice of the U.S. Department of Agriculture's response to certain officials.

For the 2010-11 fiscal year, Florida's state matching funds for school food and nutrition programs include \$8.9 million for the school lunch program; \$7.6 million for the school breakfast program, and \$344,433 for cafeteria inspection fees; federal reimbursement is estimated to be \$804 million. In addition, there are federal indirect earnings as a result of participation in the National School Lunch Program, which are used to support department-wide management activities.

The bill provides multiple effective dates. The provision requiring the Department of Education to submit a waiver request and the provision providing the effective dates are effective upon becoming law. The effective date for all other provisions is January 1, 2012, and is contingent upon the U.S. Department of Agriculture granting the waiver request on or before November 1, 2011.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided.

Agriculture & Natural Resources Subcommittee

CS/CS/HB 95 - State Parks

By: Appropriations Committee; State Affairs Committee; Bemby; Brandes

Tied Bills: None

Companion Bills: CS/CS/SB 236; Includes part(s) of CS/HB 7129; CS/CS/SB 1122

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Community & Military Affairs Subcommittee; State Affairs Committee; Appropriations Committee

Category: Agriculture, Law Enforcement, Military, Natural Resources, Tourism

Keywords: State Trooper, Police, Sheriff, Firefighters, Attraction, State Parks, Camping, Armed Services, Soldier, Veteran, Livestock, Beaches

This bill addresses several issues related to state parks.

The bill provides for parents of deceased members of the armed forces, National Guard, or reserve components who have fallen in combat to receive free lifetime family annual entrance passes to Florida's state parks. Eligibility for these passes is verified by the presentation of written documentation to the division. The bill also provides free lifetime family annual entrance passes to the surviving spouse and parents of a law enforcement officer or a firefighter who died in the line of duty.

The bill exempts the state, with respect to any property within the state park system that has free-roaming animal populations, from liability for damages resulting from livestock that run at large or stray upon public roads of the state. This provision addresses a situation at Payne's Prairie Preserve State Park in Alachua County, which has bison, Florida Cracker horses, and Florida Cracker cattle that are considered free-roaming livestock.

The bill designates the "boat basin" on Grand Lagoon at St. Andrews State Park in Bay County as the "Jack Mashburn Marina" and directs the department to erect suitable markers for the designation. D. D. "Jack" Mashburn was born in Youngstown, Florida in 1928 and is still politically active in his community, serving on multiple boards and commissions. He was instrumental in the funding of Bay High Stadium (now Tommy Oliver Stadium) and assisted in the original establishment of Panama City Beach, Long Beach and Edgewater Beach. Mashburn served in the Florida House of Representatives during the 1953 Legislative Session, representing Bay County. One of his longest lasting efforts was spearheading the creation of St. Andrews State Park.

The bill specifies that the proceeds from the surcharge imposed on entrance fees into state parks within an area of critical state concern and transmitted to a municipality be used by the municipality for land acquisition or beach renourishment activities. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration. Current law provides that the proceeds from the surcharge imposed on entrance fees into state parks within an area of critical state concern be used by the municipality to purchase property in the area of critical state concern.

The bill has an indeterminate fiscal impact on the state. The Division of Recreation and Parks states that there will be a reduction in state park revenues of less than \$40,000. However, the Division of Recreation and Parks believes that the publicity and goodwill earned by this bill may lead to increased visitation to the parks, which may offset the loss of revenues. The bill also appears to have a potential positive fiscal impact on state government by removing the state's liability for damages from livestock on property within the state park system.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 344 - Animal Cruelty

By: Rich

Tied Bills: None

Companion Bills: CS/HB 125

Committee(s) of Reference: Criminal Justice; Agriculture; Judiciary

Category: Agriculture, Law Enforcement

Keywords: Animal, Criminal, Assault

The bill makes it a first degree misdemeanor for a person to knowingly:

- Engage in sexual conduct or sexual contact with an animal;
- Cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal;
- Permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; or
- Organize, promote, conduct, advertise, aid, abet, participate in as an observer, or perform any service in the furtherance of an act involving sexual conduct or sexual contact with an animal for a commercial or recreational purpose.

The bill exempts accepted animal husbandry practices, conformation judging practices, or accepted veterinary medical practices from the provisions of the bill. The bill also defines the terms "animal," "sexual conduct," and "sexual contact."

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/CS/HB 421 - Agricultural-related Exemptions to Water Management Requirements

**By: State Affairs Committee; Agriculture & Natural Resources Appropriations Subcommittee; Bemby
Tied Bills: None**

Companion Bills: CS/CS/SB 1174

**Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Rulemaking & Regulation
Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs
Committee**

Category: Agriculture, Environmental Protection

Keywords: Water, Permits, Water Management Districts

The bill revises the current agricultural exemption from water resource permitting requirements to specify that certain agricultural activities may impede or divert the flow of surface waters or adversely impact wetlands, as long it is not the sole or predominant purpose of the agricultural activity or alteration. The bill also specifies that the exemption applies to lands classified as agricultural and to activities requiring an environmental resource permit. The exemption does not apply to any activities previously authorized by an environmental resource permit, a management and storage of surface water permit, or a dredge and fill permit. The exemption has retroactive application to July 1, 1984.

The bill allows the Water Management District or a landowner to request a determination from the Department of Agriculture and Consumer Services when a dispute regarding an exemption occurs. The bill further states that the determination by the department is binding. The bill authorizes the Department of Agriculture and Consumer Services and the Water Management Districts to enter into a new memorandum of understanding, or amend an existing memorandum of understanding, to propose procedures by which the department will undertake the review and determination process. The Department of Agriculture and Consumer Services is given rule-making authority to implement these processes.

The bill provides that mitigation to offset any adverse effects caused by agricultural activities that occurred before the conversion to a nonagricultural use is not required if the activities occurred in the last four years preceding the conversion.

And lastly, the bill amends the definition of agricultural activities to include: cultivating, fallowing, leveling, and implementation of best management practices adopted by the department or the United States Department of Agriculture's Natural Resources Conservation Service practice standards. The bill specifies that such activities constitute "agricultural activities" provided the activities are not for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/SB 512 - Vessels

By: Budget; Environmental Preservation and Conservation; Negron

Tied Bills: None

Companion Bills: CS/CS/HB 293; Includes part(s) of CS/SB 968

Committee(s) of Reference: Environmental Preservation and Conservation; Budget; and Rules

Category: Natural Resources, Environmental Protection, Motorists

Keywords: Boats, Drivers Education, Fine, Ticket

Under current law, any person who commits a violation of navigational rules that results in a boating accident, but whose violation did not constitute reckless operation of a vessel, is guilty of a second degree misdemeanor.

Current law also requires a person born after January 1, 1988, to have a boater safety identification card to operate a vessel powered by a motor of 10 horsepower or greater. In order to obtain a boater safety identification card, the person must have completed a boater education course approved by the Florida Fish and Wildlife Conservation Commission that meets the minimum eight-hour instruction requirement established by the National Association of State Boating Law Administrators. A person may also obtain a boater safety identification card by passing a course equivalency examination approved by the Fish and Wildlife Conservation Commission or passing a temporary certificate examination developed or approved by the commission. The Fish and Wildlife Conservation Commission may appoint liveries, marinas, or other agents to administer the boater safety course, as long as the entities adhere to the commission's established guidelines. Once the Fish and Wildlife Conservation Commission has received documented proof that the applicant successfully completed the course, then the commission will mail a boater safety identification card to the applicant. It currently takes the Fish and Wildlife Conservation Commission up to 10 days to mail a card to an applicant who has successfully completed the boating safety course and has provided all of the necessary identification documentation.

The bill amends current statute by removing the criminal penalty for individuals who commit a violation of a navigational rule that results in an accident and makes these noncriminal infractions, so long as it does not constitute reckless operation of a vessel and does not cause serious bodily injury or death. Any individual who commits a violation of a navigational rule that causes serious bodily injury or death still commits a second degree misdemeanor.

The bill provides the following for all violations of navigational rules resulting in an accident not causing serious bodily injury or death:

- For the first offense, up to a maximum of \$250;
- For the second offense, up to a maximum of \$750; and
- For a third or subsequent offense, up to a maximum of \$1,000.

Lastly, the bill amends current law to allow the operation of a vessel without a Fish and Wildlife Conservation Commission -issued Boater Identification card, for up to 90 days, for a boater who can prove boater safety course completion and provide photo identification. In order to prove boater safety course completion, the boater must be able to provide a Boater Education Certificate that includes the student's first and last name, date of birth, and the date he/she passed the course examination.

According to the Fish and Wildlife Conservation Commission analysis, the bill appears to have a positive fiscal impact on the commission's revenues because of the increase in fines that will be collected for certain violations of navigational rules and deposited into the Marine Resources Conservation Trust Fund, to be used for boating education purposes. However, the exact fiscal impact is unknown. The bill also appears to have a positive fiscal impact on local governments by eliminating the criminal penalty, and thus reducing court costs and/or county jail costs.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/HB 663 - State Forests

By: Agriculture & Natural Resources Appropriations Subcommittee; Steube

Tied Bills: None

Companion Bills: SB 850

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Rulemaking & Regulation Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Military, Natural Resources

Keywords: State Forests, State Lands, Veteran, Armed Services, Disability

The Division of Forestry (division) within the Department of Agriculture and Consumer Services manages and administers all state forests in the interests of the public. The division is authorized to direct multiple-use management of forest lands owned by the state. The bill directs the division to designate areas of state forests as "Wounded Warrior Special Hunt Areas" to honor wounded veterans and service members, and provide outdoor recreational opportunities for eligible veterans and service members. Admittance to these designated areas is limited to any person who:

- Is an active duty member of any branch of the United States Armed Forces and has a combat-related injury; or
- Is a veteran who served during a period of wartime and has a service-connected disability or was discharged from military service because of a disability acquired or aggravated while serving on active duty.

However, the bill also provides that the division can grant admittance to the designated areas to a person who is not eligible for the purpose of accompanying an eligible veteran or service member who requires their assistance to use the designated area.

The bill specifies that the required funding for specialized accommodations in "Wounded Warrior Special Hunt Areas" shall be provided through the Friends of Florida State Forests Program.

The division is granted general rulemaking authority to administer this subsection.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 722 - Saving Dogs

By: Norman

Tied Bills: None

Companion Bills: HB 4075

Committee(s) of Reference: Agriculture; Community Affairs; Rules

Category: Agriculture

Keywords: Animal

Under current Florida law, a “dangerous dog” is defined as any dog that has:

- Aggressively bitten, attacked, endangered, or severely injured a human being on private or public property;
- More than once severely injured or killed a domestic animal while off the owner’s property;
- Been used primarily or in part for dog fighting or has been trained for dog fighting; or
- When unprovoked, chased or approached a person on the street or other public place in a menacing fashion or apparent attitude of attack.

The bill repeals language within the definition of “dangerous dog” that classifies any dog used or trained for fighting as a dangerous dog. This revision will allow dogs seized by animal control authorities in a dog fighting raid to be evaluated on a case-by-case basis to determine whether each dog is adoptable or can be rehabilitated.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/HB 949 - Pest Control

By: State Affairs Committee; Rulemaking & Regulation Subcommittee; Agriculture & Natural Resources Subcommittee; Smith

Tied Bills: None

Companion Bills: CS/CS/CS/SB 1290; Includes part(s) of CS/CS/HB 7215; CS/CS/SB 2076

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Rulemaking & Regulation Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Agriculture

Keywords: Pest Control, Regulation

The Department of Agriculture and Consumer Services regulates pest control businesses in the state. Some pest control companies operate regional customer contact centers that solicit business and receive calls for the appropriate state/area in the region. Pest control contact centers provide licensees with a more efficient means of providing service to customers. Florida law currently requires pest control businesses doing business in the state to register and obtain a license to operate, but does not specifically address pest control contact centers. Therefore, a customer contact center must obtain a pest control license, even though they are only receiving phone calls and soliciting business.

The bill authorizes the Department of Agriculture and Consumer Services to issue a license to operate a customer contact center for the sole purpose of soliciting pest control business and coordinating services to consumers for one or more business locations. The bill also provides that a person cannot operate a customer contact center for a pest control business that is not licensed by the Department of Agriculture and Consumer Services, and establishes a licensing fee, a biennial renewal fee, and a late filing fee.

The bill also establishes a limited certification for a commercial wildlife management personnel category within the Department of Agriculture and Consumer Services authorizing persons to use nonchemical methods for controlling commensal rodents (As defined in s. 482.021(24), F.S., rodents include rats, mice, squirrels, or flying squirrels or other animals of the order Rodentia, including bats, which may become a pest in, on, or under a structure). The certification process includes successful completion of an examination, an examination fee, annual recertification, late fees (when appropriate), continuing education classes and proof of a certificate of insurance for minimum financial responsibility. The bill specifies that persons licensed or certified by the department under chapter 482, F.S., and who practice accepted pest control methods are immune from liability under the animal cruelty provisions. Also, persons licensed or certified under chapter 482, F.S., must abide by the rules, regulations, or orders of the Fish and Wildlife Conservation Commission.

Lastly, the bill increases the minimum requirements for insurance coverage to conduct pest control businesses, which have not been increased since 1992, and expands the methods by which a pest control licensee may contact the department regarding the location where fumigation will be taking place to include notification by facsimile or other forms of electronic communication.

The bill will generate \$21,000 in the 2011-12 fiscal year, \$15,000 in the 2012-13 fiscal year, and \$21,200 in the 2013-14 fiscal year, from fees generated through the pest control customer contact centers and through the limited certification category for commercial wildlife management personnel. Expenditures associated with these programs are estimated to be \$16,957 in the 2011-12 fiscal year, \$16,359 in the 2012-13 fiscal year, and \$17,455 in the 2013-14 fiscal year. The bill does not appear to have a fiscal impact on local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 960 - Liquefied Petroleum Gas

By: Environmental Preservation and Conservation; Bennett

Tied Bills: None

Companion Bills: CS/HB 709; Includes part(s) of CS/CS/CS/HB 849; CS/CS/SB 396

**Committee(s) of Reference: Environmental Preservation and Conservation; Commerce and Tourism;
Budget**

Category: Agriculture

Keywords: Inspection, Natural Gas, Regulation

The Department of Agriculture and Consumer Services' Bureau of Liquefied Petroleum Gas Inspection is the primary agency charged with the regulation of liquefied petroleum gas wherever the product is stored, distributed, transported and utilized in Florida. The Bureau of Liquefied Petroleum Gas

Inspection also has statutory authority over the licensing, inspection, enforcement, accident investigation and training of liquefied petroleum gas in the state. The Department of Agriculture and Consumer Services' Bureau of Liquefied Petroleum Gas Inspection, the Department of Community Affairs' Florida Building Code Commission and the Department of Financial Services' Office of the State Fire Marshal, each adhere to fire safety codes put forth by the National Fire Prevention Association regarding the regulation of liquefied petroleum gas.

Recently, the National Fire Prevention Association approved a 2011 version of the National Fire Prevention Association 58 liquefied petroleum gas code, which reduces the setback requirements for propane tanks from 10 feet to 5 feet from a building, adjoining property line, other petroleum tank, or any source of ignition. Current department rules mandate a 10 foot setback for propane tanks. The Department of Agriculture and Consumer Services has started the rule-making process to implement the new national standards. However, as a result of Executive Order 11-01, the Florida Building Code Commission cannot commence with the rulemaking until the proposed rule is reviewed and approved by the Office of Fiscal Accountability and Regulatory Reform. Likewise, the Office of the State Fire Marshal has not yet initiated rule making.

The bill requires the Department of Agriculture and Consumer Services, the Florida Building Code Commission, and the Office of the State Fire Marshal to enforce the same liquefied petroleum gas container separation distances as adopted in the 2011 version of the National Fire Prevention Association 58 gas code. The bill also provides for this statutory language regarding the 2011 National Fire Prevention Association 58 gas code to be repealed once the Department of Agriculture and Consumer Services, the Florida Building Code Commission, and the Office of the State Fire Marshal have adopted, by rule, the minimum separation distances in the 2011 National Fire Prevention Association 58 gas code. The bill also amends the definition of "propane" to reflect the national standards.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 7215 - Department of Agriculture and Consumer Services

By: Economic Affairs Committee; Appropriations Committee; Agriculture & Natural Resources Subcommittee; Crisafulli

Tied Bills: None

Companion Bills: CS/CS/SB 2076; Includes part(s) of CS/CS/CS/HB 457; CS/HB 735; CS/CS/CS/HB 949; HB 4125; HB 7217; CS/SB 606; SB 1046; CS/CS/CS/SB 1290; SB 1758; SB 1810; SB 2106; SB 2122

Committee(s) of Reference: Appropriations Committee; Economic Affairs Committee

Category: Agriculture, Natural Resources, Environmental Protection, Energy

Keywords: Farm, State Lands, Pest Control, Inspection, Food Services, Frozen Foods, Local Governments, Livestock, State Forests, Soil, Water, Fertilizer, Theft

The bill addresses several issues related to the powers and duties of the Department of Agriculture and Consumer Services. The bill:

- Deletes provisions allowing department advisory committee members to claim per diem and travel expenses;
- Exempts certain Direct Support Organization's within the department from annual audits;

- Increases current levels of insurance for pest control businesses;
- Provides for the establishment, monitoring, and regulation of centralized pest control customer contact centers in lieu of licensure as pest control businesses (See CS/CS/CS/HB 949);
- Establishes a limited certification category authorizing persons to use nonchemical methods for controlling commensal rodents in lieu of licensure (See CS/CS/CS/HB 949);
- Requires registered pesticide brand products that undergo label revision during the biennial registration period to provide the department with a copy of the revised label;
- States that any fees associated with the pesticide brand registration program are non-refundable;
- Deletes the Division of Dairy Industry within the department and transfers the duties and responsibilities associated with that division to the Division of Food Safety. Repeals ch. 503, F.S., relating to frozen desserts, and transfers statutory language regarding frozen desserts to ch. 502, F.S.;
- Requires persons who produce, harvest, pack, or repack tomatoes that are not permitted under chapter 500, F.S., to register each location annually by August 1, 2011, on a form prescribed by the Department of Agriculture and Consumer Services;
- Establishes a Certified Pile Burner program in statute;
- Allows the lead managing agency, instead of the Department of Environmental Protection, to receive the compensation from the grant of easements for the construction of electric transmission and distribution facilities on Board of Trustees-owned lands;
- Grants the department with the exclusive authority to enforce the Florida Building Code as it relates to wildfire and law enforcement facilities under the jurisdiction of the Department of Agriculture and Consumer Services;
- Authorizes monies received from the sale of surplus state-owned wildland firefighting equipment and vehicles to be used to exchange, maintain or purchase wildland firefighting equipment;
- Authorizes the Department of Agriculture and Consumer Services to dispose of surplus firefighting equipment and vehicles when, and as, it sees fit;
- Authorizes the Department of Agriculture and Consumer Services to delegate authority to local governments to issue authorizations for open burning;
- Renames the Office of Water Coordination as the Office of Energy and Water;
- Provides fair associations and the Florida State Fair Authority with immunity from liability for damages resulting from certain exhibits and concessions at public fairs; provides exceptions to immunity for gross negligence and to third parties providing exhibits and concessions;
- Adds the appointment of a (non-voting) youth member who is active in the Future Farmers of America or a 4-H Club to the Florida State Fair Authority;
- Provides criminal charges for the theft of bee colonies of registered beekeepers as a farm product;
- Appropriates \$744,000 in nonrecurring funds to the department from the Florida Forever Trust Fund to be used for land management;
- Renames the Division of Forestry to the Florida Forest Service;
- Allows the Commissioner of Agriculture to dissolve a Soil and Water Conservation District if the district fails to comply with audit or financial reporting requirements of Chapter 189, F.S., without prior review and recommendation of the Soil and Water Conservation Council;
- Provides the department with the authority to enforce rules relating to various aspects of commercial stock feeds and fertilizers; and

- Preempts the regulation of the sale of fertilizer to the department. However, local governments that have adopted ordinances regulating the sale of fertilizer before July 1, 2011, are exempt from state preemption.

The bill appears to have a significant positive fiscal impact of approximately \$220,000 on state government for the 2011-2012 fiscal year.

According to a 2007 response to a Joint Legislative Sunset Committee request, the Department of Agriculture and Consumer Services had approximately 50 advisory boards, councils, or committees that incurred travel, staff, and other expenses totaling approximately \$220,000.

A provision in the bill providing for criminal charges for persons who fail to comply with certain forestry rules adopted by the department may result in an increase in local government prison operating costs.

The bill allows the lead managing agency to receive the initial compensation from the grant of easements. According to the Department of Environmental Protection, the compensation for electric transmission easements is not an annual amount. It only occurs when an electric line easement occurs. The easement fee will continue to go into the Internal Improvement Trust Fund. The additional compensation will go to the managing agency. The amount deposited to date for the Division of Forestry is \$744,000. The bill appropriates these nonrecurring funds to the department from the Florida Forever Trust Fund for the 2011-2012 fiscal year, in the Fixed Capital Outlay – Agency Managed – Land Management appropriation category pursuant to s. 259.105(3)(f), F.S.

Other provisions in the bill having an indeterminate fiscal impact include:

- Provisions that require tomato growers to register with the Department of Agriculture and Consumer Services and pay a registration fee of \$500. The estimated number of tomato farms ranges from 75 farms to 120 farms and varies from year to year. Revenue received will be subject to the 4 percent Service Charge to General Revenue.
- Provisions allowing the department to retain monies acquired from the sale of state-owned firefighting equipment and vehicles and to dispose of surplus firefighting equipment and vehicles when, and as, it sees fit.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

Energy & Utilities Subcommittee

CS/CS/CS/HB 887 - Communications Services Tax

By: State Affairs Committee; Finance & Tax Committee; Energy & Utilities Subcommittee; Dorworth

Tied Bills: None

Companion Bills: CS/CS/SB 1198

Committee(s) of Reference: Energy & Utilities Subcommittee; Finance & Tax Committee; State Affairs Committee

Category: Taxes

Keywords: Communication Taxes, Bracket

Chapter 202, F.S., provides that sales of communications services, except direct-to-home satellite service, are subject to a state communications services tax, a gross receipt tax, and a local communications services tax. Federal law prohibits direct-to-home satellite service sales from being subject to a local communications services tax. Direct-to-home satellite sales are subject to a different state communications services tax rate and gross receipt rate than that of other communications services sales.

The Department of Revenue is required to make available, in an electronic format or otherwise, the tax amounts and brackets applicable to each taxable sale so that the tax collected is not less than allowed by statute. To clarify the law, the Department of Revenue has created proposed Rule 12A-19.021, F.A.C. The proposed rule provides that any communications services tax resulting in a fraction of a cent be rounded to the next whole cent.

The bill eliminates the requirement of the Department of Revenue to provide tax amounts and brackets to communications services dealers. The bill requires communications services dealers to compute state and local communications services taxes based on a rounding algorithm. This algorithm must be carried to the third decimal place and be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. The bill authorizes a dealer to apply the rounding algorithm to the state communications services tax based on one of three ways:

- Total 9.17 percent;
- Separate 6.65 percent and 2.52 percent; or
- Separate 6.8 (combined 0.15 percent and 6.65 percent) and 2.37 percent

The bill provides that a dealer may compute the taxes on an item or invoice basis. The aggregate tax amount for all items on the invoice must equal at least the result that would have been obtained if the rounding algorithm had been applied to the aggregate tax amount computed on all taxable items on the invoice. A dealer may satisfy this requirement by setting a minimum tax amount of not less than \$0.01 with respect to each item, or group of items, to which the rounding algorithm is applied. A dealer must apply the rounding algorithm to the local communications services tax separately from the state communications services tax. The bill states that a dealer is not required to collect the taxes based on a bracket system.

The bill provides that the act is intended to be remedial in nature and apply retroactively. However, the act does not provide a basis for an assessment of any tax not paid or create a right to a refund of any tax paid before July 1, 2011.

The 2011 Revenue Estimating Conference estimates that there will not be a fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 1231 (ch. 2011-36, L.O.F.) - Telecommunications

By: State Affairs Committee; Energy & Utilities Subcommittee; Horner; Williams, A., and others

Tied Bills: None

Companion Bills: CS/CS/SB 1524

Committee(s) of Reference: Energy & Utilities Subcommittee; Appropriations Committee; State Affairs Committee

Category: Repeals of Existing Law, Utilities

Keywords: Telecommunications, Telephone, Phone, Public Service Commission, Internet, Regulation, Business

In 1995, the Legislature opened local telephone service markets to competition beginning January 1, 1996. The 1995 law allowed an incumbent local exchange company to elect "price regulation" instead of traditional rate-of-return regulation, making it subject to price caps on basic service (i.e., single-line, flat-rate residential local exchange service) and non-basic service (i.e., any service other than basic service, including a combination of basic service with any non-basic or unregulated service). The 1995 law retained the Public Service Commission's jurisdiction over service quality issues and granted it new authority to address consumer issues in the transition to a sufficiently competitive market. After changes to the law in 2009, local exchange companies remained subject to the price regulation scheme adopted in 1995, with slight modifications to the caps, though only basic service remained subject to service quality oversight by the Public Service Commission. According to the Public Service Commission, approximately four percent of local service customers are considered basic service customers now.

On August 1, 2010, the Public Service Commission issued its Report on the Status of Competition in the Telecommunications Industry as of December 31, 2009. In its Report, the Public Service Commission found:

"Florida's communications market continues to exhibit competitive characteristics. Estimates of wireless-only households have increased from prior years, and in the most recent reporting period, Florida cable companies expanded the number of VoIP customers served. These facts, coupled with continued residential access line losses by ILECs, suggest an active market for voice communications services in many areas of Florida."

Legislative Intent

The bill provides legislative findings that “the competitive provision of telecommunications services, including local exchange telecommunications service, is in the public interest and has provided customers with freedom of choice, encouraged the introduction of new telecommunications service, encouraged technological innovation, and encouraged investment in telecommunications infrastructure.”

Consistent with these findings, the bill deregulates retail service provided by local exchange companies through the repeal of several provisions of law, including repeal of all price and service quality regulation. The bill maintains the role of the Public Service Commission in resolving wholesale disputes between telecommunications service providers.

Deregulation of Telecommunications Services

The bill repeals or amends several provisions of existing law related to the regulation of telecommunications services. Specifically, the bill:

- Eliminates the Public Service Commission’s jurisdiction over basic service and non-basic service offered by a local exchange company;
- Eliminates price regulation caps for basic and non-basic service offered by a local exchange company and provides such companies with the flexibility to offer competitively priced services;
- Eliminates the requirement that a local exchange company offer flat-rate pricing options;
- Eliminates the Public Service Commission’s authority to compel repairs for purposes of securing adequate service or facilities for basic service;
- Eliminates the requirement that an alphabetical directory listing (e.g., a phone book) be provided as an element of basic service;
- Removes any remaining Public Service Commission oversight of intrastate interexchange telecommunications companies (i.e., companies that provide long distance service between points within the state);
- Eliminates rate caps on pay telephone service providers;
- Exempts operator services from the Public Service Commission’s jurisdiction and removes any statutory operational and billing requirements for operator service providers;
- Eliminates shared tenant services from the Public Service Commission’s jurisdiction; and
- Eliminates the Public Service Commission’s jurisdiction over otherwise exempt services where such jurisdiction is specifically authorized by federal law.

The bill directs the Public Service Commission to reduce the regulatory assessment fees it imposes on telecommunications companies to reflect the reduction in its regulatory responsibilities.

The bill repeals requirements related to the development of a state universal service mechanism.

Certification of Service Providers

The bill provides that either a certificate of necessity or a certificate of authority is required to provide telecommunications service to the public in Florida. The bill provides that the PSC shall cease to provide certificates of necessity after July 1, 2011, though existing certificates of necessity will remain valid. The bill also establishes the process and requirement for obtaining a certificate of authority to provide telecommunications service to the public in Florida. The Public Service Commission must grant a certificate of authority to provide telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served.

The bill provides that the transfer of a certificate of necessity or authority from the certificate holder's parent company or affiliate or to another person holding a certificate, or its parent company or affiliate, may occur without prior approval of the Public Service Commission, provided that notice of the transfer is provided to the Public Service Commission within 60 days after completion of the transfer. The transferee assumes the rights and obligations conferred by the certificate.

Consumer Education and Assistance

The bill repeals or amends several other provisions of existing law to reflect the deregulation of local exchange service in light of the development of competition. Specifically, the bill:

- Removes obsolete requirements to educate consumers concerning the transition from a regulated monopoly system to a competitive market for local exchange service;
- Removes the Public Service Commission's authority to assist customers in resolving billing and service disputes involving regulated companies and services;
- Eliminates the requirement that local exchange companies disclose to residential customers the lowest cost option when service is requested and advise customers annually of the price of each service option they have selected;
- Maintains the Public Service Commission's authority to adopt rules and resolve complaints regarding the unauthorized changing of a customer's telecommunications service, referred to as "slamming";
- Maintains the Public Service Commission's authority to provide consumer education and information concerning the Lifeline and Link-Up programs;
- Eliminates the requirement that billing parties provide detailed bills and a toll-free number that must be answered by a customer service representative or a voice response unit;
- Removes a provision stating that a customer is not liable for any charges for services that the customer did not order, referred to as "cramming"; and
- Removes the Public Service Commission's authority to regulate the terms of contracts between a telecommunications company and its customers.

Competitive Market Oversight

The bill describes the Public Service Commission's authority to oversee carrier-to-carrier relationships and to prevent anticompetitive behavior, including, but not limited to, issues involving the resale of services, number portability, dialing parity, access to rights of way, access to poles and conduits, and reciprocal compensation. It also maintains the Public Service Commission's authority to arbitrate and enforce interconnection agreements in accordance with applicable Federal law and regulations.

Adoption of Broadband Service

The bill amends existing law related to the deployment and adoption of broadband Internet service throughout Florida. The bill removes broadband "deployment" as the intent of the law, providing instead that the law's intent is to promote "sustainable adoption" of broadband Internet service. "Sustainable adoption" is defined in the bill as "the ability for communications service providers to offer broadband services in all areas of the state by encouraging adoption and utilization levels that allow for these services to be offered in the free market absent the need for governmental subsidy." The bill reflects this change in focus through the priority given to projects for purposes of awarding grants.

This bill became law on May 5, 2011, chapter 2011-36, Laws of Florida, and becomes effective July 1, 2011.

SB 2106 - Florida Energy and Climate Commission

By: Budget

Tied Bills: None

Companion Bills: Includes part(s) of HB 7217 and SB 2156

Committee(s) of Reference: None

Category: Agriculture, Budget, Energy

Keywords: Energy and Climate Commission, Renewable Energy, Conservation, Petroleum, Climate Change, Budget

Since 1975, energy-related policy issues have been administered by several state agencies, including the Departments of Administration, Community Affairs, Environmental Protection, and most recently, the Executive Office of the Governor through the Florida Energy and Climate Commission.

The Florida Energy and Climate Commission was established by the Legislature in 2008 as the state entity responsible for recommending, implementing, and coordinating Florida's energy policy and for coordinating all federal energy programs delegated to the state. The 2008 legislation merged the Department of Environmental Protection's Florida Energy Office with the Legislature's Florida Energy Commission and administratively placed the new Florida Energy and Climate Commission within the Executive Office of the Governor.

The Florida Energy and Climate Commission is comprised of 9 members, 7 appointed by the Governor and one each by the Chief Financial Officer and the Commissioner of Agriculture, all subject to Senate confirmation. By law, the Governor selects the chair of the Commission. The Commissioners are not salaried employees, but are reimbursed per diem for travel, if needed. The Commission, however, is authorized by statute to employ staff and counsel. 15 Full Time Equivalent employees staff the Commission and are housed within the Governor's Energy Office , which is the administrative office of the Florida Energy and Climate Commission.

The Florida Energy and Climate Commission is statutorily charged with a variety of responsibilities, such as administering various renewable energy and energy-efficiency grant programs and specific financial incentive programs; developing a fair and equitable petroleum allocation plan for the state; performing or coordinating the functions of any federal energy programs delegated to the state and coordinating efforts to seek federal support for state energy activities; administering the Coastal Energy Impact Program; and developing, coordinating, and promoting a comprehensive research plan for state programs, consistent with state energy policy.

The Florida Energy and Climate Commission is required to serve as an advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions. The director of the Florida Energy Systems Consortium is directed to consult with and report to the Florida Energy and Climate Commission. Further, the Commission is charged with helping Florida build an energy efficient economy through programs to encourage energy conservation and promote the use of alternative energy sources.

In 2009, through the American Recovery and Reinvestment Act of 2009, the federal government provided stimulus monies to qualifying states for energy-related programs and the Florida Energy and Climate Commission received approximately \$176 million to be administered over a three-year period (2009-2012) within the state. This allocation was a substantial increase to the Commission's recent average funding levels of approximately \$20 million.

With the American Recovery and Reinvestment Act funding, the focus of the Energy Office has changed and the primary role and function has become grant management. The Florida Energy and Climate Commission calculated that the number of financial transactions completed in a month for the Energy Office is approximately equal to the total amount of other financial transactions completed in a year for the entire Executive Office of the Governor.

The Department of Agriculture and Consumer Services has had a role in managing some aspects of energy-related projects with the establishment of the Farm-to-Fuel Initiative in 2006, specifically "to enhance the market for and promote the production and distribution of renewable energy from Florida-grown crops, agricultural wastes and residues, and other biomass and to enhance the value of agricultural products or expand agribusiness in the state." In 2007, the Legislature appropriated \$25 million to the Department of Agriculture and Consumer Services to establish the Farm-to-Fuel Grants Program to provide matching grants for demonstration, commercialization, research, and development projects relating to bio-energy projects. In 2008, the Legislature directed the Department of Agriculture and Consumer Services to administer the Renewable Fuel Standard and to be a consultant to the Florida Energy and Climate Commission when awarding bio-energy projects for renewable technology.

SB 2106 accomplishes the following:

- Abolishes the nine-member Florida Energy and Climate Commission;
- Except where otherwise specified, provides for a Type Two Transfer of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts to the Department of Agriculture and Consumer Services;
- Transfers the duties from the Florida Energy and Climate Commission for petroleum allocation planning and emergency contingency planning programs to the newly-created Division of Emergency Management within the Executive Office of the Governor;
- Transfers administration of the federal Coastal Energy Impact Program to the Department of Environmental Protection;
- Transfers coordination and review, in consultation with the Department of Agriculture and Consumer Services, of the energy conservation programs of all state agencies to the Department of Management Services;
- Creates the Office of Energy and Water within the Department of Agriculture and Consumer Services;
- Authorizes the Department of Agriculture and Consumer Services to submit an amendment to the Legislative Budget Commission for increased budget authority for a fixed capital outlay appropriation for federal energy grants; and
- Makes conforming changes to applicable statutes and cross-references.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

Federal Affairs Subcommittee

HM 9 - Supporting the Marketing of Florida Seafood**By: Rouson and others****Tied Bills: None****Companion Bills: SM 852****Committee(s) of Reference: Federal Affairs Subcommittee; State Affairs Committee****Category: Agriculture, Economic Development, Federal Government, Natural Resources****Keywords: Seafood, Oil, Boats, Petroleum, Commerce, Local Governments, Gulf, Oil Spill, Travel, Restaurant, Recovery, Memorials**

This memorial asks Congress to allocate a portion of the funds collected from federal tariffs on the importation of foreign seafood and fisheries products to a national seafood marketing fund to promote the marketing of domestic seafood.

Copies of the memorial are to be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Florida delegation to the United States Congress.

The memorial is not subject to the Governor's veto powers.

SM 218 - Deepwater Horizon Oil Disaster/Penalties

By: Gaetz and others

Tied Bills: None

Companion Bills: HM 363

Committee(s) of Reference: Community Affairs; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Budget

Category: Economic Development, Environmental Protection, Federal Government, Local Government, Natural Resources, Tourism

Keywords: Seafood, Oil, Boats, Beaches, Local Governments, Petroleum, Business, Consumer Protection, Unemployment, Gulf, Beaches, Hotels, Travel, Oil Spill, Recovery, Environment, Memorials, Compensation

This memorial urges the United States Congress to permit a portion of the civil penalties recovered under the Clean Water Act as a result of the Deepwater Horizon Oil Spill be used to provide long-term environmental and economic assistance to states bordering the Gulf of Mexico, as well as its current use in recovery efforts from any future spills.

Copies of the memorial are to be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Florida delegation to the United States Congress.

The memorial is not subject to the Governor's veto powers.

SM 484 - Discriminatory Taxes/Reinsurance

By: Hays and others

Tied Bills: None

Companion Bills: HM 617

Committee(s) of Reference: Banking and Insurance; Budget Subcommittee on General Government Appropriations; Budget

Category: Federal Government, Insurance, Taxes

Keywords: Memorials, Business, Commerce, Insurance, Citizens, Property, Insurance, Tax Increase

Recently, attempts have been made to diminish the federal tax deduction claimed by domestic subsidiaries of insurance companies on reinsurance premiums paid to their foreign affiliates. This memorial urges Congress to oppose any effort to impose new taxes that would limit the use of reinsurance provided by companies located outside the United States.

Copies of the memorial are to be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

The memorial is not subject to the Governor's veto powers.

HM 557 - Parental Rights Amendment

By: Coley and others

Tied Bills: None

Companion Bills: SM 954

Committee(s) of Reference: Federal Affairs Subcommittee; Judiciary Committee

Category: Courts, Federal Government

Keywords: Memorials, Civil, Justice, Supreme Court, Memorials, Family Law, Parental Rights

The non-enumerated right of parents to direct the upbringing and education of their children has long been recognized by the United States Supreme Court as a fundamental right. This memorial urges the United States Congress to propose and submit to the states for ratification an amendment to the United States Constitution enumerating a fundamental parental right.

Copies of the memorial are to be provided to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

The memorial is not subject to the Governor's veto powers.

HM 1047 - Nonresident Alien Accounts

By: Diaz and others

Tied Bills: None

Companion Bills: SM 1344

Committee(s) of Reference: Federal Affairs Subcommittee; Economic Affairs Committee

Category: Banking, Federal Government

Keywords: Memorials, Business, Commerce, Savings, Lending

The United States Treasury Department has proposed regulations to extend the earned interest reporting requirements to Nonresident Aliens from any foreign country. This memorial urges the United States Treasury Department to withdraw the proposed regulations and calls on Congress to hold hearings in order to examine the potential effects of the proposed regulations on the economies of the United States and Florida, as well as their financial institutions.

Copies of the memorial are to be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Florida delegation to the United States Congress.

The memorial is not subject to the Governor's veto powers.

CS/SM 1654 - Educational Programs Beyond the Secondary Level

By: Higher Education and Wise

Tied Bills: None

Companion Bills: CS/CS/HM 1445

Committee(s) of Reference: Higher Education

Category: Education, Federal Government, Higher Education

Keywords: Memorials, Students, Financial Aid, Funding, Grant

Pursuant to a new regulation adopted by the United States Department of Education, an institution applying to participate in federal financial aid programs under the Higher Education Act must demonstrate that it has the legal authority to offer postsecondary education. This memorial informs the U.S. Department of Education that the 31 independent colleges and universities listed in the memorial are authorized to operate educational programs beyond the secondary level in Florida.

Copies of the memorial are to be sent to each college and university named in this memorial, the United States Secretary of Education, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

The memorial is not subject to the Governor's veto powers.

Government Operations Subcommittee

HB 19 - Compensation of County Officials**By: Mayfield and others****Tied Bills: None****Companion Bills: SB 870****Committee(s) of Reference: Government Operations Subcommittee; State Affairs Committee****Category: Courts, Law Enforcement, Local Government****Keywords: Clerks of Court, Compensation, County, Sheriff**

The bill authorizes each member of a board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, and tax collector to voluntarily reduce his or her salary rate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/CS/SB 88 - Public Employee Compensation**By: Governmental Oversight and Accountability; Judiciary; Community Affairs; Gaetz and others****Tied Bills: None****Companion Bills: CS/CS/HB 43****Committee(s) of Reference: Community Affairs; Judiciary; Governmental Oversight and Accountability****Category: Local Government****Keywords: Compensation, County, Local Governments, Municipality, Salary, State Employee**

The bill makes several changes with respect to public employee compensation.

On or after July 1, 2011, a unit of government that enters into a contract or employment agreement, or renews or renegotiates an existing contract or agreement that contains a provision for severance pay, must include in the contract a limitation on severance pay of not greater than 20 weeks of compensation. In addition, the contract must include a provision prohibiting severance pay when the officer, agent, employee, or contractor has been fired for misconduct by the unit of government. An employment agreement or contract may not include confidentiality provisions involving extra compensation.

On or after July 1, 2011, an officer, agent, employee, or contractor may receive severance pay not provided for in a contract or employment agreement if such pay represents the settlement of an employment dispute. The severance pay may not exceed an amount greater than six weeks of compensation.

Finally, the bill provides criteria for a unit of government to follow when implementing a bonus scheme, and deletes provisions of law inconsistent with these restrictions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 146 - Criminal Justice

By: Criminal Justice; Smith and others

Tied Bills: None

Companion Bills: CS/HB 449

Committee(s) of Reference: Governmental Oversight and Accountability; Criminal Justice; Judiciary

Category: Economic Development, Local Government

Keywords: Job Creation

The bill provides that the restoration of an individual's civil rights may no longer be used as a measure of fitness for state employment and licensure. It precludes the disqualification of a person from receiving a license, permit, or certificate, or from obtaining employment at a state agency, solely on the grounds that his or her civil rights have not been restored. However, the bill retains exemptions for positions deemed to be critical to security or public safety, law enforcement agencies, correctional agencies, and fire departments.

The bill requires each state agency to create a report that outlines current disqualifying policies on the employment or licensure of ex-offenders, and possible alternatives that are compatible with protecting public safety. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2011, and resubmitted every four years thereafter.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided.

CS/HB 227 - Federal Write-in Absentee Ballot

By: Government Operations Subcommittee; Brandes and others

Tied Bills: None

Companion Bills: CS/SB 378

Committee(s) of Reference: Government Operations Subcommittee; State Affairs Committee

Category: Elections, Military

Keywords: Absentee Ballots; Armed Services; Voting

The bill allows an absent uniformed services voter or an overseas voter to use the federal write-in absentee ballot to vote in any federal, state, or local election involving two or more candidates. The federal write-in absentee ballot may only be used by eligible voters as a last resort, that is, when the voter has timely requested but not received an official state absentee ballot.

The bill provides specific procedures to duplicate a federal write-in absentee ballot when canvassed. In addition, each federal write-in absentee ballot received by a supervisor of elections by 7 p.m. on Election Day must be canvassed, unless the voter's official absentee ballot is received by that time. If the official absentee ballot is received, then that ballot is counted instead of the federal write-in absentee ballot.

Additionally, the bill allows the voter to designate candidate choices by name or political party preference for each office. It requires the Department of State to adopt rules to determine voter intent on a federal write-in absentee ballot.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 330 - Violations of the Florida Election Code

By: Gaetz and others

Tied Bills: None

Companion Bills: HB 553

Committee(s) of Reference: Rules Subcommittee on Ethics and Elections; Rules; Military Affairs, Space, and Domestic Security; Governmental Oversight and Accountability; Budget

Category: Elections, Ethics, Military

Keywords: Armed Services, Election, Fine

The bill provides that it is a violation of the Florida Election Code for a candidate, in any election, to directly or indirectly falsely represent past or current service in the military. A civil penalty of up to \$5,000 may be assessed for each violation by the Florida Elections Commission or an administrative law judge for the Division of Administrative Hearings, as appropriate. Assessed civil penalties are deposited in the General Revenue Fund.

The bill also provides that anyone may file a complaint with the Florida Elections Commission alleging such violation. The Florida Elections Commission and the Division of Administrative Hearings are required to provide expedited hearings in such cases coming before them.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 331 - Firesafety

By: Weinstein and others

Tied Bills: None

Companion Bills: SB 534

Committee(s) of Reference: Government Operations Subcommittee; K-20 Competitiveness Subcommittee; Rulemaking & Regulation Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee

Category: Education, Higher Education, Local Government

Keywords: Charter Schools, College, County, Fire, Inspection, Local Governments, Municipality, Regulation, School, School Board, University

The bill aligns laws governing the State Fire Marshal with educational laws governing fire safety inspections on educational property to clarify the role of the State Fire Marshal, and to streamline the inspection and enforcement practices at the state and local levels.

The bill:

- Requires the State Fire Marshal to consult with the Department of Education regarding the adoption of rules pertaining to safety and health standards at educational facilities;
- Abolishes the classification of the special state fire safety inspector as of July 1, 2013, leaves intact the classification of fire safety inspector, and provides for a contingent grandfathering of existing special state fire safety inspectors;
- Requires uniform fire safety standards and an alternate system to be governed by fire safety inspectors certified by the State Fire Marshal;
- Reduces the number of mandatory annual inspections at educational facilities from two to one, and provides for the inspection report to be distributed at the local level only;
- Clarifies the fire safety inspection process for charter schools and for public colleges;
- Requires all public education boards to use only certified fire safety inspectors and other inspectors who have been certified by the State Fire Marshal in monitoring compliance with the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements for Educational Facilities; and
- Requires a public education board to submit for approval the site plan for new construction to the local entity providing fire-protection services to the facility, and outlines the compliance process.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 409 - Pub. Rec./Criminal Intelligence Information or Criminal Investigative Information

By: Government Operations Subcommittee; Perry and others

Tied Bills: None

Companion Bills: CS/SB 1168

Committee(s) of Reference: Government Operations Subcommittee; Judiciary Committee; State Affairs Committee

Category: Government in the Sunshine

Keywords: Public Records

Current law provides a public record exemption for any criminal intelligence information or criminal investigative information that is a photograph, videotape, or image of any part of the body of the victim of certain sexual offenses, regardless of whether it identifies the victim.

The bill expands the exemption to include victims of the sexual offense of video voyeurism. It provides for repeal of the exemption on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 411 - Pub. Rec./Photographs and Video and Audio Recordings Depicting or Recording the Killing of a Person

By: State Affairs Committee; Burgin and others

Tied Bills: None

Companion Bills: CS/CS/SB 416

Committee(s) of Reference: Government Operations Subcommittee; Criminal Justice Subcommittee; State Affairs Committee

Category: Government in the Sunshine, Law Enforcement

Keywords: Murder, Public Records

The bill creates a public record exemption for photographs and video and audio recordings that depict or record the killing of a person. Such photograph or video or audio recording is confidential and exempt from public records requirements; however, a surviving spouse or other enumerated relatives may view and copy a photograph or video recording or listen to or copy the audio recording of the decedent. The surviving relative with whom authority rests to obtain such confidential and exempt records may designate in writing an agent to obtain those records.

Pursuant to a written request and in the furtherance of its duties and responsibilities, a local governmental entity or a state or federal agency may view or copy a photograph or video recording or may listen to or copy an audio recording of the killing of a person.

Without a court order, the custodian of such records may not permit any other person to view or copy a photograph or video recording or to listen to or copy the audio recording of the killing of a person. A person must file a petition and obtain a court order in order to view, listen to, or copy such records. A surviving spouse or other enumerated relative must receive reasonable notice of the petition and of the opportunity to be present and heard at any hearing on the matter. Upon a showing of good cause, the court may issue an order authorizing a person to view or copy a photograph or video recording or to listen to or copy the audio recording of the killing of a person.

The bill provides that the public record exemption does not apply to such photographs or video or audio recordings submitted as part of a criminal or administrative proceeding; however, a court in such proceeding is not prohibited from restricting or controlling the disclosure of such records upon a showing of good cause.

The bill provides penalty provisions for violating the public record exemption. It provides for repeal of the exemption on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution, and provides for retroactive application of the exemption.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/SB 444 - Scrutinized Companies

By: Community Affairs; Bogdanoff and others

Tied Bills: None

Companion Bills: CS/HB 441

Committee(s) of Reference: Governmental Oversight and Accountability; Community Affairs; Budget

Category: Economic Development, Local Government

Keywords: Business, Commerce, County, Local Governments, Municipality, Regulation

This bill prohibits a company on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency or local governmental entity for goods or services of \$1 million or more. The bill allows for an exception to the prohibition provided certain requirements are met.

The bill also does the following:

- Requires public entities to have a contract provision that allows contracts to be terminated if the company submitted a false certification or is placed on either of the Scrutinized Companies lists;
- Requires a company seeking to enter into a contract of \$1 million or more to certify that it is not a scrutinized business operation;
- Provides a process by which an agency or local governmental entity can report a false certification and by which the relevant government attorney may bring civil suit;
- Specifies penalties for a company that makes a false certification; and
- Preempts an ordinance or rule of any local governmental entity involving public contracts for goods or services of \$1 million or more with a company engaged in scrutinized business operations.

The bill requires the Department of Management Services to submit a written notice describing the act to the Attorney General of the United States within 30 days after the effective date of the bill. It also provides that the act becomes inoperative on the date that federal law ceases to authorize the state to adopt and enforce the contracting prohibitions of the type provided for in the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 579 - Pub. Rec./Regional Autism Centers

By: Government Operations Subcommittee; Coley and others

Tied Bills: None

Companion Bills: CS/SB 1192

Committee(s) of Reference: Government Operations Subcommittee; Education Committee; State Affairs Committee

Category: Government in the Sunshine

Keywords: Public Records

The bill creates a public record exemption for all records relating to a client of a regional autism center who receives the services of a center or participates in center activities, and all records relating to the client's family. It authorizes the release of the confidential and exempt records under certain circumstances.

The bill also creates a public record exemption for personal identifying information of a donor or prospective donor to the center who desires to remain anonymous.

The bill provides for repeal of the exemptions on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 597 - Pub. Rec./Agency Emergency Notification Information

By: Taylor

Tied Bills: None

Companion Bills: SB 874

Committee(s) of Reference: Government Operations Subcommittee; State Affairs Committee

Category: Government in the Sunshine

Keywords: Public Records

The bill creates a public record exemption for any information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency. The exemption includes the person's name, address, telephone number, email address, or other electronic communication address.

The bill provides for retroactive application of the public record exemption. It also provides for repeal of the exemption on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 667 - Pub. Rec./Local Government Inspector General

By: Government Operations Subcommittee; Clemens

Tied Bills: None

Companion Bills: CS/SB 828

Committee(s) of Reference: Government Operations Subcommittee; Community & Military Affairs Subcommittee; State Affairs Committee

Category: Government In The Sunshine, Local Government

Keywords: County, Local Governments, Municipality, Public Records

Current law provides a public record exemption for an audit report prepared for or on behalf of a unit of local government. It also provides a public record exemption for audit work papers and notes related to the audit until the audit report becomes final.

The bill expands the exemption to include an investigative or audit report of an inspector general prepared for or on behalf of a unit of local government. The exemption expires when the audit or investigation becomes final. An audit or investigation becomes final when the audit or investigative report is presented to the unit of local government.

It further expands the exemption to provide that audit work papers and notes and information received, produced, or derived as a result of an investigation conducted by an inspector general are confidential and exempt from public records requirements. The exemption expires when the audit or investigation is completed and the audit or investigative report becomes final, or when the audit or investigation is no longer active.

The bill provides for repeal of the exemptions on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/HB 677 - Pub. Rec./Office of Financial Regulation

By: Government Operations Subcommittee; Pilon

Tied Bills: None

Companion Bills: CS/SB 1328

Committee(s) of Reference: Government Operations Subcommittee; Insurance & Banking Subcommittee; State Affairs Committee

Category: Government in the Sunshine

Keywords: Public Records

The bill creates a public record exemption for the following information held by the Office of Financial Regulation:

- Information received from another state or federal regulatory, administrative, or criminal justice agency that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law; and
- Information that is received or developed by the Office of Financial Regulation as part of a joint or multiagency investigation or examination.

The bill authorizes Office of Financial Regulation to obtain and use information in accordance with the requirements imposed as a condition of participating in a joint or multiagency examination or investigation.

The bill provides for retroactive application of the exemption. It provides for repeal of the exemption on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/HB 913 - Pub. Rec./Records Held by Public Airports

By: Government Operations Subcommittee; Horner and others

Tied Bills: None

Companion Bills: CS/SB 994

Committee(s) of Reference: Government Operations Subcommittee; Economic Affairs Committee; State Affairs Committee

Category: Government in the Sunshine

Keywords: Airports, Public Records

The bill creates a public record exemption for proprietary confidential business information held by a public airport. The exemption expires when the confidential and exempt information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information. It also creates a public record exemption for trade secrets held by a public airport.

The bill creates a public record exemption for a proposal or counterproposal exchanged between a public airport and a nongovernmental entity relating to the sale, use, development, or lease of airport facilities. The public record exemption expires upon approval by the governing body of a public airport. If a proposal or counterproposal is not submitted to the governing body for approval, then the public record exemption for the proposal or counterproposal expires 90 days after the cessation of negotiations between the public airport and the nongovernmental entity.

The bill provides for repeal of the exemptions on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/SB 1128 - Public Retirement Plans

By: Budget; Governmental Oversight and Accountability; Ring and others

Tied Bills: None

Companion Bills: CS/HB 7241, includes parts of HB 303

Committee(s) of Reference: Governmental Oversight and Accountability; Budget

Category: Law Enforcement, Local Government, Retirement

Keywords: Benefits, Collective Bargaining, Compensation, Contributions, Firefighters, Local Governments, Municipality, Pension, Police, Reform, Retirement, Salary, State Employee, Union

The bill makes several changes to the firefighters' and police officers' pension trust funds.

Effective July 1, 2011, the bill revises the definition of "compensation" and "salary" to allow for the inclusion of payments for overtime compensation, up to 300 hours per year, in the calculation of retirement benefits as specified in the local plan or the collective bargaining agreement. Unused sick and annual leave may not be included in the calculation. The bill extends these requirements to general employees of local pension plans.

The bill allows for the increase of member contributions to a firefighter or police pension plan without an increase in member benefits. The increase must be approved by the collective bargaining representative or by a majority of the members if there is no representative.

The bill allows a municipality, by ordinance, to change its representation on the board of trustees operating the pension plan. The change may not reduce the membership percentages of firefighters, police officers, and municipal representatives.

The bill revises the actuarial reporting requirements to require each pension plan to disclose the present value of its accrued vested, non-vested, and total benefits as adopted by the Financial Accounting Standards Board, using the Florida Retirement System assumed rate of return.

The bill prohibits the use of an actuarial or cash surplus for expenses outside of the plan. Additionally, it prohibits local pension plans from reducing contributions required to fund the normal cost of the plans.

The Department of Management Services must post a fact sheet for each pension plan that contains the plan's most current actuarial data, minimum funding requirements, and a five-year history of each local plan's funded ratio on its website. Local plans must provide a link on their website to the Department of Management Services website. It also requires Department of Management Services to develop a plan to create a standardized rating system to classify the financial strength of each local pension plan. The plan must be submitted to the Governor, Legislature, and Chief Financial Officer by January 1, 2012.

Finally, the bill creates an 8 member Task Force on Public Employee Disability Presumptions to develop findings and issue recommendations on disability presumptions. The Task Force on Public Employee Disability Presumptions must submit a report to the Governor, Legislature, and Chief Financial Officer, by January 1, 2012. The Task Force is dissolved once the report is submitted.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

CS/CS/HB 1355 - Elections

By: State Affairs Committee; Government Operations Subcommittee; Baxley and others

Tied Bills: None

Companion Bills: CS/CS/SB 2086, HB 813, SB 1968, HB 559, CS/SB 242, CS/CS/HB 1261, CS/SB 1504, CS/CS/SB 1618

Committee(s) of Reference: Government Operations Subcommittee; State Affairs Committee

Category: Constitutional Amendments, Elections, Local Government, Redistricting

Keywords: Absentee Ballots, Ballot, Ballot Summary, Early Voting, Polling Place, Provisional Ballots, Voting, Demographic, Reapportionment, Armed Services, Civil, Election, Supreme Court, Municipality, County, Local Governments, Polling Place, Contributions

The bill is an omnibus elections bill that makes numerous changes to the Florida Elections Code.

With regard to ballot titles and summaries for constitutional amendments proposed by the Legislature, the bill establishes a process for revising legislatively proposed ballot titles or ballot summaries if the courts find the titles or summaries are deficient. The statutory changes:

- Expressly authorize the Legislature to propose alternative ballot summaries that describe the chief purpose of a proposed amendment in clear and unambiguous language or require placement on the ballot of the full text of a proposed amendment;
- Create a presumption that the full text of an amendment placed on the ballot is a clear and unambiguous statement of the proposal that provides sufficient notice to voters;
- Require legal challenges to ballot language to be filed within 30 days after the joint resolution is filed with the Secretary of State;
- Require the Attorney General to revise the title or ballot summary within 10 days if the courts find the Legislature's title or each ballot summary insufficient, unless the joint resolution provides otherwise;
- Require any challenge to a revised title or summary to be filed within 10 days after the Attorney General submits revised language;
- Require the courts to prioritize cases challenging joint resolutions over other pending cases and render decisions as expeditiously as possible; and
- Require challenges to joint resolutions passed this session to be filed within 30 days after a joint resolution is submitted to the Secretary of State or within 30 days after the changes to the statute become law, whichever is later.

The bill requires that, by December 31, 2013, all voting systems used by voters during a state election permit placement on the ballot of the full text of a constitutional amendment or revision containing stricken or underlined language.

The bill provides a process for selecting the presidential preference primary date. The date is to be determined by the Presidential Preference Primary Date Selection Committee, which is composed of the Secretary of State, who serves as the non-voting chair, and nine voting members who are equally selected by the Governor, President of the Senate, and Speaker of the House of Representatives. The voting members, no more than six of whom may be from the same political party, must meet no later than October 1 of the year before the presidential preference primary and set a date. A party rule directing the vote of delegates at a national convention must reasonably reflect the results of the presidential preference primary.

The bill makes the following changes regarding voter registration and maintenance of voter registration lists:

- Requires the supervisor of elections to notify an applicant of the disposition of the voter registration application within 5 business days after voter registration information is entered into the statewide voter registration system; and
- Gives a voter who has moved to another county the option to submit an address change update by telephone, email, fax, or other signed writing, instead of just a voter registration application form, provided that the change is provided directly to the supervisor of elections in the county to which he or she has moved.

After August 1, 2012, the bill requires that voter information cards include the address of the polling place. The supervisor of elections must provide a new card to a voter if the polling place address changes.

The bill requires third-party voter registration organizations to register with the Division of Elections and provide certain information in an electronic format. It also requires all voter registration applications used by such organizations to contain information identifying that organization. The bill provides that a third-party voter registration organization serves as a fiduciary to the applicant. Applications collected by these organizations must be turned into the Division of Elections or supervisor of elections within 48 hours after the applicant completes the form or the next business day, if the office is closed for that 48-hour period. The date on which the applicant signed the voter registration application is presumed to be the date on which the organization collected the application. The bill allows for "force majeure" or impossibility of performance to be an affirmative defense to the requirement for the timeframe for turning in forms. The Secretary of State may refer any complaint regarding a third-party voter registration organization to the Attorney General for action.

With regard to candidates, the bill removes the requirement for the candidate to take an oath similar to that of a public employee. Instead, a candidate must take an oath to uphold the Constitutions of the United States and the State of Florida. It also clarifies the candidate oath for the office of President and Vice President of the United States.

The bill revises provisions related to qualifying. In order to qualify, a person cannot have been a registered member of any other political party for 365 days prior to the beginning of qualifying preceding the general election for which the person seeks to qualify. The bill specifies to whom the qualifying check must be addressed and the length of time a candidate has to pay the filing officer if a check has been returned, as well as the method of payment. It clarifies that the \$50 limit on contributions by cash and cashier's checks are in the aggregate, per election.

With regard to a vacancy in nomination, the bill places responsibility with the applicable qualifying officer to notify the chair of the applicable party's executive committee if a vacancy in nomination exists. It provides a timeframe and process for filling the vacancy. The bill also specifies when a person is not qualified for consideration to fill a vacancy. Finally, it states a vacancy in nomination is not created until an order of a court becomes final.

The bill clarifies that the supervisor of elections checks more than the signatures on petition forms to ensure that the signer is a registered voter and that the data on a petition applies to the voter whose signature appears on the form. It provides that an undue burden oath is no longer valid if persons are subsequently paid to solicit signatures on a petition and if monetary contributions are received. Contributions must be used to reimburse the supervisor of elections.

The bill changes the validity of the signature on initiative petitions from 4 years to 2 years. Additionally, it revises the initiative petition process to eliminate the revocation process. The bill provides direction to supervisors of elections when an initiative petition is misfiled in the wrong county. For a petition to be valid, the voter must be a registered voter in the state, both at the time the petition is signed and at the time it is verified.

The bill provides that an elector may not change his or her address at the polling place by filling out an affirmation or a voter registration form and vote a regular ballot, unless the change of residence is within a county or is for an active uniformed services voter or a member of his or her family. A person from outside the county may not make an address change at the polling place but may vote a provisional ballot.

The bill provides that an absentee ballot request is good through the end of the calendar year of the next two regularly scheduled general elections. It also requires the supervisor of elections to mail an absentee ballot to each absent voter, other than uniformed and overseas voters, between the 35th and 28th days before a presidential preference primary, primary, and general election. After the 28th day, the supervisor of elections must send an absentee ballot within two business days after receiving a request for a ballot, unless the request meets other requirements provided in law. The bill updates the reasons for requesting an absentee ballot to reflect current practice, expands the absentee ballot instructions to put voters on notice that an absentee ballot will not count if the signature on record does not match the signature on the ballot certificate, and notifies the absentee voter of the end date for when he or she can update the signature on record in order for the ballot to count.

The bill makes the following changes regarding ballots, voting equipment, and voting system audits:

- Changes the format of the ballot to provide greater efficiency;
- Requires testing of voting equipment in accordance with state-adopted voting system standards; and
- Requires manual voting system audits after certification of each election except under specified circumstances.

The bill changes timeframes for the primary election and for early voting. The primary election is changed from 10 weeks to 12 weeks prior to the general election. Early voting starts the 10th day before an election containing state or federal races, and ends on the third day before the election. Early voting must be provided for no less than six hours and no more than 12 hours per day, including weekends. Early voting hours and sites must be provided to the Division no less than 30 days before early voting commences. The bill permits the supervisor of elections to set times and designate sites for elections not containing a state or federal race. It eliminates the state mandate for a municipal election to have a 14-day candidate qualifying period when it moves its election to coincide with a state or county election.

The following changes are made to provisions relating to the canvassing and reporting of election results:

- Clarifies what canvassing board is considered to be an indispensable party in an election and when the Elections Canvassing Commission is an indispensable party;
- Requires each county canvassing board to report all early voting and all tabulated absentee results to the Department of State within 30 minutes after the close of polls, with updated precinct election results every 45 minutes, until all results are reported;
- Requires that the Department of State be immediately notified if results cannot be reported with an explanation of circumstances preventing reporting; and
- Authorizes the county canvassing board to begin canvassing of absentee ballots on the 15th day, rather than the sixth day, before the election.

Effective July 1, 2012, the bill creates format requirements for voter history and precinct-level data reports. It also changes the timeframes for information to be sent by the supervisor of elections to the Department of State. It adds a reconciliation of data to ensure the integrity, expedites the reporting of data and standardizes due dates for submission to the Department, and provides protection for voter ballot secrecy in precincts with a limited number of ballots cast. The bill also requires the Department to make certain information available on a searchable, sortable, and downloadable database via its website. Finally, each supervisor of elections must report decennial census information for the county, and report any precinct reorganization to the Department for placement in a searchable database of information.

The bill makes the following revisions regarding political advertisements:

- Requires that a write-in candidate use a specified disclaimer for political advertisements;
- Removes the requirement for a statement of sponsorship of the advertisement in political advertisements, but retains the requirement for identification of who paid for the advertisement;
- Provides a specified disclaimer for political advertisements made as in-kind contributions by a political party;
- Allows political advertisements paid for by political parties to use names and abbreviations in the disclaimer;
- Prohibits a candidate running for nonpartisan office from campaigning based on party affiliation, but provides clarification on what the candidate can use in advertisements; and
- Exempts tickets or advertising for campaign fundraisers from disclaimer requirements.

The bill provides that a state or county executive committee of a political party or an affiliated party committee may authorize and conduct political polls for determining viability of a potential candidate. Expenditures incurred by the committees do not constitute contributions to the potential candidates.

The bill revises reporting requirements for electioneering communications organizations, political committees, and committees of continuous existence for consistency. Requirements for an electioneering communications organization or a political committee to file for organization are clarified to specify that it is not based upon the anticipation of receipt or expenditure of funds but the receipt or expenditure of such funds. It deletes requirements for a political committee or an electioneering communications organization to file in multiple locations based upon the intention to support or oppose a candidate. The bill revises the timeframes for expenditure of funds and the reporting of those expenditures.

The bill authorizes reimbursement for a candidate who made a loan to his or her campaign, and reported it as required, at any time when the account has sufficient funds to repay the loan and meet other obligations. It also removes the statutory limitation on disposition of certain surplus funds by a candidate to a political party.

The bill revises current timeframes and processes relating to investigation and determination of legal sufficiency and actions to be taken by the Florida Elections Commission, and provides certain enforcement authority to the Division of Administrative Hearings. It provides a respondent with 14 days from receipt of a complaint to file a response prior to the executive director of the Florida Elections Commission making a determination of legal sufficiency. Additionally, the Florida Elections Commission may enter into a consent order with a respondent without requiring the respondent to admit to having violated a provision of law under the jurisdiction of the Commission. The Florida Elections Commission must file a complaint in the circuit court where the witness, who has failed to respond to the lawful subpoena of the Florida Elections Commission, resides. The Florida Elections Commission is prohibited from determining by rule what constitutes "willfulness" or from further defining the term.

The bill provides that a person alleged by the Florida Elections Commission to have committed a violation may elect, within 30 days after the date of the filing of the commission's allegations, to have a formal administrative hearing conducted by the Division of Administrative Hearings. The administrative law judge may enter a final order and impose civil penalties, if warranted. If a person alleged to have committed a violation does not choose to have a hearing before an administrative law judge or to resolve the complaint by a consent order, the person is entitled to a formal or informal hearing before the commission.

The bill relocates substantive provisions from the definition of "minor political party" to a new section of law. It provides requirements for a minor political party organization and provides for cancellation of a minor political party's status.

The bill amends several other provisions of law to do the following:

- Authorize the Secretary of State to provide written direction and opinions to the supervisors of elections on matters relating to their official duties with respect to the Florida Election Code or rules adopted by the Department of State;

- Specify that a filing officer performs a ministerial function and has no duty to look beyond the four corners of the qualifying papers, and provide that the decision of the filing officer concerning qualification of a candidate is exempt from the Administrative Procedure Act;
- Provide that the photo ID required at the polls is solely for the purpose of verifying the identity of the person present to vote, and that once a photo ID has been presented a person cannot be asked to recite his or her address nor be asked for additional information;
- Allow certain funds to flow directly to the Florida Elections Commission versus flowing through other entities;
- Delete provisions relating to removal of certain county executive committee members;
- Clarify when it is an offense for an inspector or other election official to deny a person the ability to observe ballot accounting at polls;
- Eliminate the requirement to file a printed copy of certain reports or forms when an electronic filing is required;
- Permit, in a year of apportionment, individuals seeking county-wide office to obtain petition signatures county-wide; and
- Revise requirements for poll watchers designating all as at-large poll watchers, set a timeframe for designation, and require supervisors of elections to provide identification badges for poll watchers.

Subject to the Governor's veto powers, except as otherwise expressly provided in this act, the effective date of this bill is upon becoming a law.

CS/HB 1473 - Pub. Rec./Florida Health Choices Program

By: Government Operations Subcommittee; Corcoran

Tied Bills: None

Companion Bills: CS/CS/SB 1456

Committee(s) of Reference: Government Operations Subcommittee; Health & Human Services Committee

Category: Government in the Sunshine, Health, Insurance

Keywords: Insurance, Public Records

The bill creates a public record exemption for the following information held by the Florida Health Choices Program (program):

- Personal identifying information of an enrollee or participant who has applied for or participates in the program;
- Client and customer lists of a buyer's representative; and
- Proprietary confidential business information.

The bill provides for retroactive application of the public record exemption. It provides exceptions to the exemption, and provides criminal penalties for violation of the public record exemption.

The bill provides for repeal of the exemption on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/SB 1970 (ch. 2011-35, L.O.F.) - Public Records/OPPAGA

By: Governmental Oversight and Accountability; Thrasher

Tied Bills: SB 1204

Companion Bills: HB 7099

Committee(s) of Reference: Governmental Oversight and Accountability

Category: Government In The Sunshine

Keywords: Public Records

The Office of Program Policy Analysis and Government Accountability is a unit within the Office of the Auditor General, and is a staff unit of the Legislature that performs independent examinations, program reviews, and other projects. Current law provides that audit work papers and notes of the Auditor General are not public records. This exemption also applies to the Office of Program Policy Analysis and Government Accountability work papers and notes, because Office of Program Policy Analysis and Government Accountability is a unit within the Office of the Auditor General.

Senate Bill 1204 amends current law to provide that the term "Office of Program Policy Analysis and Government Accountability" means an entity designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives. As such, it deletes provisions relating to the creation and duties of Office of Program Policy Analysis and Government Accountability, and appears to remove the public record exemption currently afforded the office.

The bill creates a public record exemption for Office of Program Policy Analysis and Government Accountability. Work papers that relate to an authorized project or a research product are exempt from the public records requirements of the State Constitution. The bill provides for retroactive application of the exemption, a statement of public necessity, and an effective date that is contingent upon the passage of Senate Bill 1204.

This bill became law on May 5, 2011, chapter 2011-35, Laws of Florida, and becomes effective May 5, 2011.

SB 2100 - Retirement

By: Budget

Tied Bills: None

Companion Bills: CS/CS/HB 1405; includes parts of CS/SB 1130

Committee(s) of Reference: None

Category: Budget, Local Government, Retirement

Keywords: Benefits, Compensation, Contributions, Cost of Living, County, DROP, Florida Retirement System, Local Governments, Municipality, Pension, Reform, Retirement, Retirement Age, State Employee

The bill makes several changes to the Florida Retirement System (FRS).

Effective July 1, 2011, the bill requires a 3 percent employee contribution for all members of the FRS. Members of the Deferred Retirement Option Program are not required to make the 3 percent employee contribution.

For employees initially enrolled in the pension plan on or after July 1, 2011, the bill increases the years of service required for vesting from six to eight years of creditable service. For existing members, vesting remains at six years of creditable service.

For employees initially enrolled in the Florida Retirement System pension plan on or after July 1, 2011, the bill increases the normal retirement age and years of service requirements as follows:

- For Special Risk Class, it increases the age from 55 to 60 years of age, and increases the years of creditable service from 25 to 30 years; and
- For all other classes, it increases the age from 62 to 65 years of age, and increases the years of creditable service from 30 to 33 years.

For existing members, the normal retirement age and years of service remain the same.

For employees initially enrolled in the Florida Retirement System pension plan on or after July 1, 2011, the bill revises the definition of "average final compensation" to mean the average of the eight highest fiscal years of compensation for creditable service, for purposes of calculating retirement benefits. For existing members, "average final compensation" continues to mean the average of the five highest fiscal years of compensation for creditable service.

The bill maintains the Deferred Retirement Option Program; however, employees entering the Deferred Retirement Option Program on or after July 1, 2011, will earn interest at a reduced accrual rate of 1.3 percent. For employees currently in the Deferred Retirement Option Program or entering the program before July 1, 2011, the interest rate remains 6.5 percent.

The bill eliminates the cost-of-living adjustment for service earned on or after July 1, 2011. However, the new cost-of-living adjustment formula sunsets, effective June 30, 2016, and the current 3 percent cost-of-living adjustment will be reinstated if:

- Funding is available; and

- The Legislature enacts sufficient employer contributions specifically for the purpose of funding the reinstatement of the cost-of-living adjustment.

For the 2011-12 fiscal year, the bill funds the Division of Retirement in the Department of Management Services with four positions, and \$207,070 in recurring funds and \$31,184 in nonrecurring funds. As a result of changes made by the bill, the total Florida Retirement System cost savings is \$1,910.8 million, with the state saving \$1,181.8 million, counties saving \$615 million, and other Florida Retirement System employers saving \$114 million. The state's cost savings are further broken down by issue as follows:

- Increasing the "average final compensation" from high five to high eight for new enrollees: \$68.1 million;
- Increasing the normal retirement age and years of service for new enrollees: \$145.3 million;
- Reducing the interest accrual rate for new Deferred Retirement Option Program participants: \$80.9 million;
- Increasing the vesting age for the pension plan for new enrollees: \$26.2 million;
- Requiring a 3 percent employee contribution: \$456.5 million; and
- Suspending the cost-of-living adjustment for five years: \$404.8 million.

Subject to the Governor's veto powers, the effective date of this bill is June 30, 2011.

HB 7075 - OGSR/DJJ Employees and Family Members

By: Government Operations Subcommittee; Ahern

Tied Bills: None

Companion Bills: CS/SB 600

Committee(s) of Reference: State Affairs Committee

Category: Corrections, Government In The Sunshine

Keywords: Juvenile Justice, Public Records

Current law provides a public record exemption for the following information regarding certain personnel of the Department of Juvenile Justice :

- Home addresses, telephone numbers, and photographs of certain Department of Juvenile Justice personnel;
- Names, home addresses, telephone numbers, and places of employment of the spouses and children of such personnel; and
- Names and locations of schools and day care facilities attended by the children of such personnel.

The bill reenacts the public record exemption, which will repeal on October 2, 2011, if this bill does not become law.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 7077 - OGSR/Biometric Identification Information

By: Government Operations Subcommittee; Logan

Tied Bills: None

Companion Bills: SB 602

Committee(s) of Reference: State Affairs Committee

Category: Government In The Sunshine

Keywords: Public Records

Current law provides a public record exemption for biometric identification information held by an agency before, on, or after July 1, 2006. Biometric identification information means any record of friction ridge detail, fingerprints, palm prints, and footprints.

The bill reenacts the public record exemption, which will repeal on October 2, 2011, if this bill does not become law.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 7079 - OGSR/Florida Center for Brain Tumor Research

By: Government Operations Subcommittee; Bileca

Tied Bills: None

Companion Bills: SB 420

Committee(s) of Reference: State Affairs Committee

Category: Government in the Sunshine, Health

Keywords: Public Records

Current law provides a public record exemption for the Florida Center for Brain Tumor Research established within the Evelyn F. and William L. McKnight Brain Institute of the University of Florida. Medical records and information received from an individual from another state or nation or the federal government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law, are confidential and exempt from public records requirements.

The bill reenacts the public record exemption, which will repeal on October 2, 2011, if this bill does not become law. It expands the exemption to include personal identifying information of a donor to the central repository for brain tumor biopsies or the brain tumor registry. It also provides for retroactive application of the public record exemption.

The bill authorizes the release of confidential and exempt information to a person engaged in bona fide research provided certain requirements are met.

The bill extends the repeal date from October 2, 2011, to October 2, 2016. It also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 7081 - OGSR/Statewide Public Guardianship Office

By: Government Operations Subcommittee; Bileca

Tied Bills: None

Companion Bills: CS/SB 572

Committee(s) of Reference: State Affairs Committee

Category: Government in the Sunshine, Social Services

Keywords: Public Records

The Statewide Public Guardianship Office is established within the Department of Elderly Affairs. The office may enter into a written contract with a direct-support organization for the sole purpose of supporting the Statewide Public Guardianship Office. Current law provides a public record exemption for the identity of a donor or prospective donor of funds or property to the direct-support organization who desires to remain anonymous, and all information identifying that donor or prospective donor.

The bill reenacts the public record exemption, which will repeal on October 2, 2011, if this bill does not become law.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 7083 - OGSR/Interference with Custody

By: Government Operations Subcommittee; Young

Tied Bills: None

Companion Bills: SB 570

Committee(s) of Reference: State Affairs Committee

Category: Courts, Government in the Sunshine, Social Services

Keywords: Child Protection, Domestic Violence, Public Records

Current law provides a third-degree felony for the offense of interference with custody. The offense does not apply when a person having a legal right to custody of a minor or incompetent person is the victim of domestic violence, reasonably believes he or she is about to become a victim of such violence, or believes the welfare of the minor or incompetent person is in danger. Such person must file a report with the office of the sheriff or state attorney of the county where the minor or incompetent person resided at the time he or she was taken. The report must contain the name of the person taking the minor or incompetent person, the current address and telephone number of that person and of the minor or incompetent person, and the reasons the minor or incompetent person was taken.

Current law provides a public record exemption for the address and telephone number of the person taking the minor or incompetent person, and of the minor or incompetent person, contained in the report made to a sheriff or state attorney.

The bill reenacts the public record exemption, which will repeal on October 2, 2011, if this bill does not become law.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 7085 - OGSR/Court Monitors in Guardianship Proceedings

By: Government Operations Subcommittee; Young

Tied Bills: None

Companion Bills: SB 568

Committee(s) of Reference: State Affairs Committee

Category: Courts, Government in the Sunshine, Social Services

Keywords: Public Records, Welfare

Current law provides public record exemptions for certain judicial records relating to court monitors in guardianship proceedings. The order of any court appointing a court monitor is confidential and exempt from public records requirements and an order appointing a court monitor on an emergency basis is exempt only. Reports of a court monitor or an emergency court monitor relating to the medical condition, financial affairs, or mental health of the ward are confidential and exempt from public records requirements. Such reports may be available for inspection as determined by a court or upon a showing of good cause. The public record exemptions expire if a court makes a finding of probable cause; however, information otherwise made confidential or exempt retains its status. Court determinations relating to a finding of no probable cause and court orders finding no probable cause in the nonemergency and emergency court monitor contexts also are confidential and exempt from public records requirements. However, the court may allow access upon a showing of good cause.

The bill reenacts the public record exemptions, which will repeal on October 2, 2011, if this bill does not become law. The bill removes the confidential status of court orders appointing nonemergency court monitors for consistency while retaining the exempt status of such orders. It also removes reference to "court determination relating to a finding of no probable cause" with regards to determinations and orders finding no probable cause. This reference is removed because, in practice, the probable cause determination is contained in a written order included in the guardianship file.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 7155 - State Financial Matters

By: Government Operations Subcommittee; Patronis

Tied Bills: None

Companion Bills: CS/SB 1182

Committee(s) of Reference: State Affairs Committee

Category: Local Government

Keywords: Conflict of Interest, Investments, Local Government

The bill authorizes the State Board of Administration to invest the assets of participating government entities in the Local Government Surplus Funds Trust Fund upon completion of Local Government Surplus Funds Trust Fund enrollment materials. A separate trust agreement is no longer needed by the State Board of Administration to manage and invest funds in the Local Government Surplus Funds Trust Fund. If the government entity opts for a trust agreement, then the bill provides that the investments are subject only to the limitations or restrictions of that agreement, and not to the restrictions provided in current law.

The bill clarifies that officers and employees involved in the investment process must refrain from personal transactions with the individual employee at the broker-dealer firm involved in business conducted with the State Board of Administration. It also clarifies the conflict of interest provision applicable to the investment advisor and manager.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 7159 - OGSR/Commission on Ethics Audits & Investigations

By: Government Operations Subcommittee; Patronis

Tied Bills: None

Companion Bills: SB 2056

Committee(s) of Reference: State Affairs Committee

Category: Ethics, Government in the Sunshine

Keywords: Compensation, Public Meetings, Public Records

Current law provides a public record and public meeting exemption for records and meetings relating to an audit or investigation of a lobbying firm lobbying the executive branch or the Constitution Revision Commission. Records relating to an audit of the lobbying firm or relating to an investigation of violations of the lobbying compensation reporting laws are confidential and exempt from public records requirements. In addition, meetings of the Commission on Ethics (commission) that are held pursuant to such investigation or at which such audit is discussed are exempt from public meetings requirements.

The exemptions expire if the lobbying firm provides a written request for such investigation and associated records and meetings to be made public or, if the commission determines there is probable cause that an audit reflects a violation of the reporting laws.

The bill reenacts the public record and public meeting exemptions, which will repeal on October 2, 2011, if this bill does not become law.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HB 7161 - OGSR/Concealed Weapons or Firearms

By: Government Operations Subcommittee; Patronis

Tied Bills: None

Companion Bills: SB 604

Committee(s) of Reference: State Affairs Committee

Category: Government in the Sunshine, Law Enforcement

Keywords: Public Records, Weapons

Current law provides a public record exemption for personal identifying information of an applicant for, or recipient of, a license to carry a concealed weapon or concealed firearm. Such information must be disclosed:

- With the express written consent of the applicant or licensee or his or her legally authorized representative;
- By court order upon a showing of good cause; or
- Upon request by a law enforcement agency in connection with the performance of lawful duties which includes access to any automated database containing such information maintained by the Department of Agriculture and Consumer Services.

The bill reenacts the public record exemption, which will repeal on October 2, 2011, if this bill does not become law.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

CS/HB 7223 - OGSR/Competitive Solicitations

By: State Affairs Committee; Government Operations Subcommittee; Patronis

Tied Bills: None

Companion Bills: CS/SB 2090

Committee(s) of Reference: State Affairs Committee

Category: Government in the Sunshine, Local Government

Keywords: County, Local Governments, Municipality, Public Meetings, Public Records

Current law provides general public record and public meeting exemptions for competitive solicitations. Sealed bids, proposals, or replies in response to an invitation to bid, a request for proposals, or an invitation to negotiate, are exempt from public records requirements until a time certain. In addition, a meeting at which a negotiation with a vendor is conducted pursuant to an invitation to negotiate is exempt from public meetings requirements. A complete recording must be made of the exempt meeting. The recording is exempt from public records requirements until a time certain.

The bill reenacts the public record and public meeting exemptions, which will repeal on October 2, 2011, if this bill does not become law.

The bill expands the public record exemption by extending the exemption for sealed bids and replies from 10 days to 30 days, and by extending the public record exemption for sealed responses from 20 days to 30 days. It expands the public meeting exemption to include:

- Any portion of a meeting at which a vendor makes an oral presentation or a vendor answers questions as part of a competitive solicitation; and
- Any portion of a team meeting at which negotiation strategies are discussed.

The bill expands the public record exemption for recordings of exempt meetings to comport with the public record exemption for sealed bids, proposals, or replies. It extends the exemption from 20 to 30 days. It also expands the exemption to include those records presented by a vendor at a closed meeting.

The bill extends the repeal date from October 2, 2011, to October 2, 2016. It also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 7225 - OGSR/SBA Alternative Investments

By: Government Operations Subcommittee; Patronis and others

Tied Bills: None

Companion Bills: SB 2174

Committee(s) of Reference: State Affairs Committee

Category: Government in the Sunshine

Keywords: Investments, Public Records

Current law provides a public record exemption for proprietary confidential business information held by the State Board of Administration regarding alternative investments. The exemption expires 10 years after the termination of the alternative investment.

Under current law, a request to inspect or copy a record that contains proprietary confidential business information must be granted if the proprietor of the information fails, within a reasonable period of time after the request is received by the State Board of Administration, to verify through a written declaration that a specific record contains certain information. Any person may petition a court of competent jurisdiction in Leon County, Florida, for an order for the public release of those portions of any record made confidential and exempt.

The bill reenacts the public record exemption, which will repeal on October 2, 2011, if this bill does not become law. The bill revises the definition of what does not constitute proprietary confidential business information. In addition, it requires the State Board of Administration to maintain a list and a description of the records covered by any verified, written declaration made by a proprietor.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2011.

HOUSE OF REPRESENTATIVES
Select Committee on Government Reorganization
Representative John Legg, Chair
Representative Gary Aubuchon, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



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SB 2154 – Federal Grants Trust Fund/EOG

By: None

Tied Bills: SB 2156

Companion Bills: HB 7249

Committee(s) of Reference: None

Category: Emergency Management

Keywords: Funding, Trust Fund, Reform

This bill creates the Federal Grants Trust Fund within the Executive Office of the Governor for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

This trust fund is needed in order to implement the transfer of the Division of Emergency Management from the Department of Community Affairs to the Executive Office of the Governor as provided in SB 2156.

In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2156 - Governmental Reorganization

By: Budget

Tied Bills: HB 7205; SB 2154; SB 2162

Companion Bills: HB 7247; HB 535; HB 893; CS/CS/HB 1245; HB 4145; HB 7217; SB 2106; CS/CS/CS/SB 248; CS/CS/CS HB 1309

Committee(s) of Reference: None

Category: Economic Development, Education, Emergency Management, Local Government, Tourism

Keywords: Agriculture, Business, Local Governments, Funding, Energy and Climate, Reform, Unemployment Compensation, Growth Management, Housing, Job Creation, Tax Collections, Permits, Energy Efficiency, Oil Spill, Investments, Voluntary Pre-K

REORGANIZATION OF DEPARTMENTS AND PUBLIC-PRIVATE PARTNERSHIPS

SB 2156 creates the Department of Economic Opportunity and provides for the following:

- The agency head, known as the "executive director," is appointed by the Governor and confirmed by the Senate;
- Transfers the Office of Tourism, Trade, and Economic Development, portions of the Department of Community Affairs, and portions of the Agency for Workforce Innovation workforce functions to the new agency, effective October 1, 2011; and
- Transfers the Ready to Work program from the Department of Education to the Department of Economic Opportunity.

The bill transfers the Agency for Workforce Innovation's Office of Early Learning to the Department of Education as a separate entity:

- The director of the office is appointed by the Governor, and confirmed by the Senate;
- The Department of Education may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten; and
- The Auditor General is required to review programs and delivery systems (including early learning coalitions) by December 31, 2011.

The bill consolidates the current public-private economic development partnerships under Enterprise Florida, Inc. The bill establishes that the president of Enterprise Florida, Inc. may be known as the "secretary of commerce" and is appointed by and serves at the pleasure of the Governor. The bill also makes the following changes:

- The Enterprise Florida, Inc. board remains largely as it is under current law, however new language requires certain private-sector representation and creates conflict-of-interest requirements;
- Space Florida retains special district status under the direction of appointed Enterprise Florida, Inc. board members;
- The VISIT Florida direct support organization is retained under contract with the Enterprise Florida, Inc. Board;
- The Black Business Investment Board and Florida Sports Foundation are merged into Enterprise Florida, Inc., and related divisions are created in Enterprise Florida, Inc.; and
- Matching requirements for Enterprise Florida, Inc. and VISIT Florida (one-to-one match) remain as required under current law.

In addition, the bill makes the following transfers:

- The Florida Communities Trust and the Stan Mayfield Working Waterfronts are transferred from the Department of Community Affairs to the Department of Environmental Protection;
- The Florida Building Commission is transferred from the Department of Community Affairs to the Department of Business and Professional Regulation;
- The Division of Emergency Management is transferred from the Department of Community Affairs to the Executive Office of the Governor; and
- The Florida Energy and Climate Commission within the Executive Office of the Governor is transferred to the Department of Agriculture and Consumer Services.

The bill repeals the Department of Community Affairs, the Agency for Workforce Innovation, and the Office of Tourism, Trade and Economic Development.

PURPOSE AND FUNCTIONS OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY

SB 2156 establishes the following responsibilities for the Department of Economic Opportunity:

- Oversight and coordination of economic development, housing, growth management, community development programs and unemployment compensation;
- Development of a single, statewide five-year strategic plan to address the promotion of business formation, expansion, recruitment and retention in order to create jobs for all regions of the state. The plan must address economic development, marketing and infrastructure development for rural communities;

- Submission of an annual report on the condition of the business climate and economic development in the state, with assistance from Enterprise Florida, Inc. and Workforce Florida, Inc.;
- Management of the activities of the public-private partnerships; and
- Establishment of annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., VISIT Florida, and Space Florida and report annually on how these performance measures are being met.

The bill establishes a streamlined incentive process to provide a quicker response to businesses requesting an economic development incentive. The bill provides that:

- Incentives for economic development projects must be approved or denied within 10 days of submitting an application to the Department of Economic Opportunity;
- The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program; and
- Quick Action Closing Fund projects require recommendation to the Governor in seven days. In addition, the Governor can approve projects under \$2 million. Projects ranging from \$2 million - \$5 million require notification to the chairs and vice chairs of the Legislative Budget Commission. And projects totaling more than \$5 million must be approved by the Legislative Budget Commission.

The bill requires the Department of Economic Opportunity submit a business plan by September 1, 2011, in conjunction with Enterprise Florida, Inc. The business plan must outline:

- Strategies to be used by the department and Enterprise Florida, Inc. for business recruitment and expansion;
- Benchmarks related to business recruitment, business expansion, the number of jobs created or retained; and
- Tools, financial and otherwise, needed to achieve benchmarks, and timeframes necessary to achieve standards.

By January 1, 2012, the Department of Economic Opportunity must make recommendations for any further reorganization and streamlining of economic development and workforce functions.

PURPOSE AND FUNCTIONS OF ENTERPRISE FLORIDA, INC.

The bill establishes the following responsibilities for Enterprise Florida, Inc.

- Enter into a performance-based contract with the Department of Economic Opportunity;
- Act as the primary economic agency for the state; serve as the chief negotiator for business recruitment and business expansion;
- Increase private investment in Florida;
- Advance international and domestic trade opportunities;
- Market the state as a pro-business location for new investment and as a tourist destination;
- Revitalize Florida's space and aerospace industries;
- Promote opportunities for minority-owned businesses;
- Assist and market professional and amateur sports teams and sporting events; and
- Assist and promote economic opportunities in rural and urban communities.

In addition, Enterprise Florida, Inc., must complete an annual incentive report that is required to include:

- A description of incentive programs;
- The amount of awards granted, by year, since inception;
- The economic benefits including actual amount of private capital invested, actual number of jobs created, actual wages paid for incentive agreements and annual average wage;
- The number of applications submitted, and the number of projects approved and denied by the department;
- The federal and local incentives provided;
- The number of projects that did not fulfill the terms of their agreements and consequently did not receive incentives; and
- Trends related to usage of the various incentives, including the number of minority-owned businesses receiving incentives.

DEEPWATER HORIZON OIL SPILL

To address the negative economic impacts of the Deepwater Horizon oil spill, the bill:

- Defines the following counties as “disproportionally affected counties” and waives job, wage and other requirements for businesses seeking economic development incentives in these counties: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton and Wakulla;
- Provides that during a state of emergency permits are tolled and an additional six months is added to existing permits;
- Creates the Commission on Oil Spill Response Coordination (which expires September 2012);
- Appropriates \$10 million per year for three fiscal years to develop and implement an economic strategic plan in counties designated as disproportionately affected; and
- Directs how funds received by the state for damages caused by the Deepwater Horizon oil spill may be directed.

STATE ECONOMIC ENHANCEMENT AND DEVELOPMENT (SEED) TRUST FUND

This bill provides for the redirect of funds to the State Economic Enhancement and Development Trust Fund, which is created by HB 7205. Specifically this bill provides:

- Effective July 1, 2012, redirects a total of \$75 million from documentary stamp tax revenues, currently dedicated to affordable housing trust funds, into the State Economic Enhancement and Development Trust Fund; and
- Effective July 1, 2012, begins redirecting from documentary stamp tax revenues currently dedicated to the State Transportation Trust Fund into the State Economic Enhancement and Development Trust Fund. In order to lessen the impacts to the Florida Department of Transportation Work Program, the bill phases-in the amounts to be redirected as follows: \$50 million for the 2012-13 fiscal year; \$65 million for the 2013-14 fiscal year; and \$75 million for the 2014-15 fiscal year, and subsequent years.

The above-mentioned funds will be appropriated annually in the General Appropriations Act from the SEED Trust Fund.

FLORIDA ENERGY AND CLIMATE COMMISSION PROVISIONS

The bill makes several changes related to the reorganization of Florida Energy and Climate Commission provisions, including:

- Provides for transfer of the powers, duties and functions of the Florida Energy and Climate Commission within the Governor’s Office to the Department of Agriculture and Consumer Services and abolishes the Commission;

- Transfers the duties of petroleum allocation from the Florida Energy and Climate Commission to the Division of Emergency Management;
- Transfers energy emergency contingency plans to the Division of Emergency Management.
- Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies; and
- Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

SB 2162 - Welfare Transition Trust Fund/DOE

By: Budget

Tied Bills: SB 2156

Companion Bills: None

Committee(s) of Reference: None

Category: Budget, Education

Keywords: Funding, Trust Fund

This bill creates the Welfare Transition Trust Fund within the Department of Education, and is necessary to implement the transfer of the School Readiness Program from the Agency for Workforce Innovation to the Department of Education. The School Readiness Program is partially funded with federal funds derived from the Temporary Assistance for Needy Families Block Grant.

The trust fund is established for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families Program. Trust fund monies shall be used exclusively for the purpose of providing services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.

In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 7205 - Trust Funds/State Economic Enhancement and Development Trust Fund

By: Select Committee on Government Reorganization; Aubuchon; Hukill

Tied Bills: SB 2156

Companion Bills: None

Committee(s) of Reference: None

Category: Budget, Economic Development, Taxes, Tourism, Transportation

Keywords: Funding, Trust Fund

This legislation creates the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. This trust fund will serve as a depository of documentary stamp tax proceeds.

Collectively, HB 7205 and SB 2156 create and provide a dedicated source of revenue to the State Economic Enhancement and Development Trust Fund. The State Economic Enhancement and Development Trust Fund will be used to fund strategic transportation investments, affordable housing, workforce training, tourism marketing and economic development incentives to attract new businesses to the state and to retain existing businesses.

In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HOUSE OF REPRESENTATIVES
Select Committee on Water Policy
Representative Trudi Williams, Chair
Representative Brad Drake, Vice Chair

2011 SUMMARY OF PASSED LEGISLATION



Select Committee on Water Policy

The Select Committee on Water Policy was not first reference on any bill that passed both houses of the Legislature.

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SB 380	HB 279	Health & Human Services Committee
HB 381	HB 381	Finance & Tax Committee
HB 387	SB 504	Judiciary Committee
HB 395	HB 395	Education Committee
SB 396	SB 960	Economic Affairs Committee
SB 396	HB 993	Economic Affairs Committee
SB 396	HB 849	Economic Affairs Committee
HB 399	HB 399	Economic Affairs Committee
SB 400	SB 400	Judiciary Committee
SB 402	HB 45	Judiciary Committee
SB 404	SB 404	Health & Human Services Committee
HB 405	SB 926	Judiciary Committee
HB 407	HB 407	Economic Affairs Committee
SB 408	HB 1007	Economic Affairs Committee
SB 408	SB 408	Economic Affairs Committee
HB 409	HB 409	State Affairs Committee
SB 410	SB 410	Economic Affairs Committee
HB 411	HB 411	State Affairs Committee
SB 414	HB 137	Health & Human Services Committee
SB 416	HB 411	State Affairs Committee
SB 420	HB 7079	State Affairs Committee
HB 421	HB 421	State Affairs Committee
HB 423	SB 650	Judiciary Committee
HB 431	HB 431	Economic Affairs Committee
SB 432	HB 155	Judiciary Committee
SB 436	HB 283	Economic Affairs Committee
HB 437	HB 437	Economic Affairs Committee
SB 438	HB 563	Judiciary Committee
HB 439	SB 592	Economic Affairs Committee
HB 441	SB 444	State Affairs Committee
HB 443	SB 170	Judiciary Committee
SB 444	SB 444	State Affairs Committee
HB 445	HB 445	Health & Human Services Committee

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HB 449	SB 146	State Affairs Committee
SB 450	SB 450	Judiciary Committee
HB 457	HB 7215	State Affairs Committee
SB 462	SB 462	Economic Affairs Committee
SB 464	HB 3	Judiciary Committee
HB 465	HB 465	Economic Affairs Committee
HB 469	HB 469	Judiciary Committee
HB 471	SB 702	Health & Human Services Committee
SB 474	HB 4023	Economic Affairs Committee
SB 476	HB 883	Economic Affairs Committee
SB 478	SB 478	Finance & Tax Committee
HB 479	HB 479	Judiciary Committee
SB 480	HB 811	Finance & Tax Committee
SB 484	SB 484	State Affairs Committee
SB 488	HB 251	Judiciary Committee
HB 501	HB 501	Economic Affairs Committee
SB 504	SB 504	Judiciary Committee
SB 506	HB 287	Economic Affairs Committee
SB 512	SB 512	State Affairs Committee
HB 513	SB 664	Judiciary Committee
SB 514	HB 347	Judiciary Committee
HB 517	SB 234	Judiciary Committee
SB 520	HB 465	Economic Affairs Committee
SB 524	HB 283	Economic Affairs Committee
SB 530	HB 1195	Judiciary Committee
SB 534	HB 331	State Affairs Committee
HB 535	SB 2156	Select Committee on Government Reorganization
SB 548	HB 4027	Health & Human Services Committee
HB 553	SB 330	State Affairs Committee
SB 556	HB 353	Health & Human Services Committee
HB 557	HB 557	State Affairs Committee
HB 559	HB 1355	State Affairs Committee
HB 563	HB 563	Judiciary Committee
HB 567	HB 567	Appropriations Committee
SB 568	HB 7085	State Affairs Committee
SB 570	HB 7083	State Affairs Committee
SB 572	HB 7081	State Affairs Committee
HB 575	SB 844	Judiciary Committee
HB 579	HB 579	State Affairs Committee

Bills	Passed As /In	Committee
SB 580	HB 407	Economic Affairs Committee
SB 582	HB 311	Economic Affairs Committee
SB 592	SB 592	Economic Affairs Committee
SB 594	HB 277	Judiciary Committee
HB 595	HB 251	Judiciary Committee
HB 597	HB 597	State Affairs Committee
HB 599	HB 599	Economic Affairs Committee
SB 600	HB 7075	State Affairs Committee
HB 601	SB 782	Economic Affairs Committee
SB 602	HB 7077	State Affairs Committee
SB 604	HB 7161	State Affairs Committee
SB 606	HB 7215	State Affairs Committee
HB 609	HB 609	Judiciary Committee
HB 617	SB 484	State Affairs Committee
SB 618	SB 618	Judiciary Committee
HB 621	HB 621	Judiciary Committee
SB 626	HB 395	Education Committee
HB 629	HB 629	Judiciary Committee
SB 632	HB 7151	Education Committee
SB 634	HB 4181	Economic Affairs Committee
SB 636	HB 4081	Economic Affairs Committee
SB 636	SB 408	Economic Affairs Committee
SB 638	HB 4129	Economic Affairs Committee
HB 639	HB 639	Economic Affairs Committee
HB 641	HB 641	Finance & Tax Committee
HB 647	HB 647	Judiciary Committee
SB 648	HB 325	Judiciary Committee
SB 650	SB 650	Judiciary Committee
SB 652	SB 652	Economic Affairs Committee
SB 654	SB 2150	Appropriations Committee
SB 658	HB 381	Finance & Tax Committee
HB 663	HB 663	State Affairs Committee
SB 664	SB 664	Judiciary Committee
HB 667	HB 667	State Affairs Committee
SB 670	SB 670	Judiciary Committee
HB 677	HB 677	State Affairs Committee
HB 689	HB 689	Economic Affairs Committee
SB 692	HB 4045	Health & Human Services Committee
HB 701	HB 701	Economic Affairs Committee

Bills	Passed As /In	Committee
SB 702	SB 702	Health & Human Services Committee
HB 703	SB 652	Economic Affairs Committee
HB 709	SB 960	State Affairs Committee
SB 722	SB 722	State Affairs Committee
HB 723	HB 723	Economic Affairs Committee
SB 728	HB 7005	Economic Affairs Committee
HB 735	HB 7215	State Affairs Committee
SB 736	HB 993	Education Committee
SB 736	SB 736	Education Committee
HB 739	SB 404	Health & Human Services Committee
SB 740	HB 437	Economic Affairs Committee
SB 746	HB 105	Judiciary Committee
HB 755	HB 283	Economic Affairs Committee
HB 767	HB 767	Economic Affairs Committee
SB 768	HB 399	Economic Affairs Committee
SB 782	SB 782	Economic Affairs Committee
HB 797	HB 797	Education Committee
HB 803	HB 1007	Economic Affairs Committee
HB 803	SB 408	Economic Affairs Committee
HB 811	HB 811	Finance & Tax Committee
HB 813	HB 1355	State Affairs Committee
HB 815	SB 670	Judiciary Committee
SB 818	HB 7095	Health & Human Services Committee
HB 823	SB 1316	Economic Affairs Committee
SB 828	HB 667	State Affairs Committee
HB 843	HB 843	Health & Human Services Committee
SB 844	SB 844	Judiciary Committee
SB 846	HB 251	Judiciary Committee
HB 849	SB 960	Economic Affairs Committee
HB 849	HB 993	Economic Affairs Committee
HB 849	HB 849	Economic Affairs Committee
SB 850	HB 663	State Affairs Committee
SB 852	HB 9	State Affairs Committee
SB 866	HB 567	Appropriations Committee
SB 870	HB 19	State Affairs Committee
SB 874	HB 597	State Affairs Committee
HB 879	HB 879	Economic Affairs Committee
SB 880	HB 281	Economic Affairs Committee
HB 881	HB 7151	Education Committee

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HB 883	HB 883	Economic Affairs Committee
HB 885	SB 408	Economic Affairs Committee
HB 887	HB 887	State Affairs Committee
SB 888	HB 75	Judiciary Committee
HB 891	SB 1430	Rules & Calendar Committee
HB 893	SB 2156	Select Committee on Government Reorganization
HB 901	HB 901	Economic Affairs Committee
SB 904	HB 431	Economic Affairs Committee
SB 912	HB 639	Economic Affairs Committee
HB 913	HB 913	State Affairs Committee
SB 916	SB 916	Rules & Calendar Committee
SB 918	SB 1142	Judiciary Committee
SB 920	HB 339	Judiciary Committee
SB 924	SB 924	Rules & Calendar Committee
SB 926	SB 926	Judiciary Committee
HB 927	SB 1142	Judiciary Committee
SB 930	HB 647	Judiciary Committee
SB 932	HB 283	Economic Affairs Committee
HB 935	HB 935	Health & Human Services Committee
HB 937	HB 1255	Education Committee
HB 939	SB 1314	Appropriations Committee
HB 941	SB 1196	Judiciary Committee
SB 944	SB 944	Rules & Calendar Committee
HB 945	HB 7207	Economic Affairs Committee
SB 946	SB 946	Rules & Calendar Committee
HB 949	HB 7215	State Affairs Committee
HB 949	HB 949	State Affairs Committee
HB 951	HB 951	Judiciary Committee
SB 952	HB 599	Economic Affairs Committee
SB 954	HB 557	State Affairs Committee
SB 958	SB 958	Finance & Tax Committee
HB 959	SB 1366	Health & Human Services Committee
SB 960	SB 960	State Affairs Committee
HB 965	HB 965	Finance & Tax Committee
HB 967	HB 1087	Economic Affairs Committee
SB 968	SB 512	State Affairs Committee
HB 977	SB 1292	Appropriations Committee
SB 978	HB 469	Judiciary Committee
HB 987	HB 7207	Economic Affairs Committee

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HB 987	HB 7207	Economic Affairs Committee
HB 991	HB 993	Economic Affairs Committee
HB 991	HB 399	Economic Affairs Committee
HB 993	HB 993	Rules & Calendar Committee
SB 994	HB 913	State Affairs Committee
HB 997	HB 997	Judiciary Committee
SB 1000	HB 797	Education Committee
HB 1007	HB 1007	Economic Affairs Committee
HB 1007	SB 408	Economic Affairs Committee
SB 1012	SB 1012	Appropriations Committee
SB 1014	SB 1014	Appropriations Committee
SB 1016	SB 1016	Appropriations Committee
SB 1018	SB 1018	Appropriations Committee
SB 1020	SB 1020	Appropriations Committee
SB 1022	SB 1022	Appropriations Committee
SB 1024	SB 1024	Appropriations Committee
SB 1026	SB 1026	Appropriations Committee
SB 1028	SB 1028	Appropriations Committee
HB 1029	HB 1029	Judiciary Committee
SB 1030	SB 1030	Appropriations Committee
SB 1032	SB 1032	Appropriations Committee
SB 1034	SB 1034	Appropriations Committee
HB 1035	HB 1195	Judiciary Committee
SB 1036	SB 1036	Appropriations Committee
HB 1037	HB 1037	Health & Human Services Committee
SB 1038	SB 1038	Appropriations Committee
HB 1039	HB 1039	Judiciary Committee
SB 1040	SB 1040	Appropriations Committee
SB 1042	SB 1042	Appropriations Committee
SB 1044	SB 1044	Appropriations Committee
SB 1046	HB 7215	State Affairs Committee
HB 1047	HB 1047	State Affairs Committee
SB 1052	HB 1463	Health & Human Services Committee
SB 1072	HB 951	Judiciary Committee
HB 1085	HB 1085	Health & Human Services Committee
HB 1087	HB 1087	Economic Affairs Committee
SB 1092	HB 4159	Judiciary Committee
HB 1097	HB 7111	Judiciary Committee
SB 1100	HB 4067	Judiciary Committee

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HB 1111	HB 1111	Judiciary Committee
HB 1121	HB 1121	Economic Affairs Committee
SB 1122	HB 7207	Economic Affairs Committee
SB 1122	HB 95	Economic Affairs Committee
HB 1125	HB 1125	Health & Human Services Committee
HB 1127	HB 1127	Health & Human Services Committee
SB 1128	SB 1128	State Affairs Committee
SB 1130	SB 2100	State Affairs Committee
HB 1141	HB 1141	Economic Affairs Committee
SB 1142	SB 1142	Judiciary Committee
SB 1144	HB 767	Economic Affairs Committee
HB 1147	HB 7095	Health & Human Services Committee
SB 1152	HB 253	Judiciary Committee
HB 1153	HB 399	Economic Affairs Committee
SB 1158	HB 843	Health & Human Services Committee
HB 1163	HB 1163	Finance & Tax Committee
HB 1165	HB 1165	Economic Affairs Committee
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SB 1174	HB 421	State Affairs Committee
SB 1176	HB 1319	Health & Human Services Committee
HB 1179	HB 1179	Health & Human Services Committee
SB 1182	HB 7155	State Affairs Committee
SB 1190	HB 1165	Economic Affairs Committee
SB 1192	HB 579	State Affairs Committee
HB 1193	HB 1193	Health & Human Services Committee
SB 1194	HB 7151	Education Committee
HB 1195	HB 1195	Judiciary Committee
SB 1196	SB 1196	Judiciary Committee
SB 1198	HB 887	State Affairs Committee
SB 1202	SB 1202	Rules & Calendar Committee
SB 1204	SB 1204	Rules & Calendar Committee
HB 1211	SB 1738	Appropriations Committee
SB 1218	HB 1471	Judiciary Committee
HB 1227	SB 1816	Economic Affairs Committee
SB 1228	HB 1319	Health & Human Services Committee
HB 1229	HB 1007	Economic Affairs Committee
HB 1231	HB 1231	State Affairs Committee
HB 1233	SB 618	Judiciary Committee
HB 1243	SB 408	Economic Affairs Committee

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HB 1245	SB 2156	Select Committee on Government Reorganization
HB 1247	HB 1247	Judiciary Committee
SB 1252	HB 1087	Economic Affairs Committee
SB 1254	HB 1255	Education Committee
HB 1255	HB 1255	Education Committee
HB 1261	HB 1355	State Affairs Committee
SB 1282	HB 1085	Health & Human Services Committee
SB 1286	HB 723	Economic Affairs Committee
SB 1290	HB 7215	State Affairs Committee
SB 1290	HB 949	State Affairs Committee
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SB 1314	SB 1314	Appropriations Committee
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SB 1318	HB 879	Economic Affairs Committee
HB 1319	HB 1319	Health & Human Services Committee
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HB 1329	HB 1329	Education Committee
HB 1331	HB 1331	Education Committee
SB 1332	HB 1121	Economic Affairs Committee
SB 1340	HB 1037	Health & Human Services Committee
HB 1341	HB 1255	Education Committee
SB 1344	HB 1047	State Affairs Committee
SB 1346	SB 1346	Economic Affairs Committee
HB 1355	HB 1355	State Affairs Committee
HB 1363	HB 993	Economic Affairs Committee
HB 1363	HB 283	Economic Affairs Committee
SB 1366	SB 1366	Health & Human Services Committee
SB 1382	HB 993	Rules & Calendar Committee
SB 1386	HB 7095	Health & Human Services Committee
SB 1388	HB 965	Finance & Tax Committee
HB 1393	SB 1676	Judiciary Committee
SB 1404	HB 993	Rules & Calendar Committee
HB 1405	SB 2100	State Affairs Committee
SB 1410	HB 935	Health & Human Services Committee
HB 1411	HB 1087	Economic Affairs Committee
SB 1414	HB 97	Health & Human Services Committee

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SB 1430	SB 1430	Rules & Calendar Committee
SB 1440	HB 7207	Economic Affairs Committee
HB 1445	SB 1654	State Affairs Committee
SB 1456	HB 1473	State Affairs Committee
SB 1460	HB 879	Economic Affairs Committee
SB 1462	SB 408	Economic Affairs Committee
HB 1463	HB 1463	Health & Human Services Committee
HB 1471	HB 1471	Judiciary Committee
HB 1473	HB 1473	State Affairs Committee
HB 1475	HB 1111	Judiciary Committee
SB 1494	HB 1029	Judiciary Committee
SB 1502	HB 1141	Economic Affairs Committee
SB 1504	HB 1355	State Affairs Committee
SB 1516	HB 1195	Judiciary Committee
SB 1522	HB 445	Health & Human Services Committee
SB 1524	HB 1231	State Affairs Committee
SB 1538	HB 1179	Health & Human Services Committee
SB 1546	SB 1546	Education Committee
SB 1568	HB 1007	Economic Affairs Committee
SB 1568	SB 408	Economic Affairs Committee
SB 1590	HB 479	Judiciary Committee
SB 1618	HB 1355	State Affairs Committee
SB 1620	HB 7197	Education Committee
SB 1622	HB 1111	Judiciary Committee
SB 1624	HB 4009	Economic Affairs Committee
SB 1626	HB 4013	Economic Affairs Committee
SB 1630	HB 4019	Economic Affairs Committee
SB 1632	HB 4033	Economic Affairs Committee
SB 1650	HB 621	Judiciary Committee
SB 1654	SB 1654	State Affairs Committee
SB 1656	HB 1329	Education Committee
SB 1664	HB 7111	Judiciary Committee
SB 1676	SB 1676	Judiciary Committee
SB 1678	HB 1255	Education Committee
SB 1696	HB 1255	Education Committee
SB 1704	HB 7111	Judiciary Committee
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SB 1722	HB 1163	Finance & Tax Committee

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SB 1732	HB 7151	Education Committee
SB 1738	SB 1738	Appropriations Committee
SB 1744	HB 1127	Health & Human Services Committee
SB 1754	HB 1193	Health & Human Services Committee
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SB 1770	HB 1247	Judiciary Committee
SB 1778	HB 4121	Judiciary Committee
SB 1810	HB 7215	State Affairs Committee
SB 1812	HB 1319	Health & Human Services Committee
SB 1816	SB 1816	Economic Affairs Committee
SB 1822	HB 1331	Education Committee
SB 1832	HB 1255	Education Committee
SB 1836	HB 1087	Economic Affairs Committee
SB 1844	HB 1255	Education Committee
SB 1850	SB 618	Judiciary Committee
SB 1886	HB 1039	Judiciary Committee
SB 1904	HB 7207	Economic Affairs Committee
SB 1924	SB 1676	Judiciary Committee
SB 1942	HB 4031	Economic Affairs Committee
SB 1968	HB 1355	State Affairs Committee
SB 1970	SB 1970	State Affairs Committee
SB 1972	SB 1676	Health & Human Services Committee
SB 1972	HB 7107	Health & Human Services Committee
SB 1974	HB 689	Economic Affairs Committee
SB 1978	HB 1111	Judiciary Committee
SB 1992	SB 1992	Health & Human Services Committee
SB 1996	HB 7087	Education Committee
SB 1996	HB 1255	Education Committee
SB 1998	HB 7185	Finance & Tax Committee
SB 2000	SB 2150	Appropriations Committee
SB 2000	SB 2000	Appropriations Committee
SB 2002	SB 2002	Appropriations Committee
SB 2010	HB 369	Judiciary Committee
SB 2011	HB 993	Rules & Calendar Committee
SB 2018	HB 369	Judiciary Committee
SB 2026	HB 1255	Education Committee
SB 2056	HB 7159	State Affairs Committee
SB 2076	HB 7215	State Affairs Committee
SB 2076	HB 949	State Affairs Committee

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SB 2086	HB 1355	State Affairs Committee
SB 2090	HB 7223	State Affairs Committee
SB 2094	SB 2094	Appropriations Committee
SB 2096	SB 2096	Appropriations Committee
SB 2098	SB 2098	Appropriations Committee
SB 2100	SB 2100	State Affairs Committee
SB 2104	HB 283	Appropriations Committee
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SB 2144	SB 2144	Appropriations Committee
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SB 2150	SB 2150	Appropriations Committee
SB 2152	SB 2152	Appropriations Committee
SB 2154	SB 2154	Select Committee on Government Reorganization
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SB 2160	SB 2160	Appropriations Committee
SB 2162	SB 2162	Select Committee on Government Reorganization
SB 2174	HB 7225	State Affairs Committee
HB 4009	HB 4009	Economic Affairs Committee
HB 4013	HB 4013	Economic Affairs Committee
HB 4019	HB 4019	Economic Affairs Committee

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HB 4027	HB 4027	Health & Human Services Committee
HB 4031	HB 4031	Economic Affairs Committee
HB 4033	HB 4033	Economic Affairs Committee
HB 4041	SB 1346	Economic Affairs Committee
HB 4045	HB 4045	Health & Human Services Committee
HB 4067	HB 4067	Judiciary Committee
HB 4075	SB 722	State Affairs Committee
HB 4081	HB 4081	Economic Affairs Committee
HB 4081	SB 408	Economic Affairs Committee
HB 4099	HB 4081	Economic Affairs Committee
HB 4099	SB 408	Economic Affairs Committee
HB 4115	SB 408	Economic Affairs Committee
HB 4121	HB 4121	Judiciary Committee
HB 4125	HB 7215	State Affairs Committee
HB 4129	HB 4129	Economic Affairs Committee
HB 4145	SB 2156	Select Committee on Government Reorganization
HB 4153	HB 7151	Education Committee
HB 4155	HB 7151	Education Committee
HB 4157	SB 618	Judiciary Committee
HB 4159	HB 4159	Judiciary Committee
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HB 5001	SB 2000	Appropriations Committee
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HB 5011	HB 5011	Appropriations Committee
HB 5013	SB 2094	Appropriations Committee
HB 5015	HB 283	Appropriations Committee
HB 5015	SB 2104	Appropriations Committee
HB 5017	SB 2098	Appropriations Committee
HB 5101	SB 2120	Appropriations Committee
HB 5201	SB 2150	Appropriations Committee
HB 5303	HB 5303	Appropriations Committee
HB 5305	HB 5305	Appropriations Committee
HB 5311	SB 2144	Appropriations Committee

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HB 5403	SB 2118	Appropriations Committee
HB 5405	HB 5405	Appropriations Committee
HB 5407	SB 2114	Appropriations Committee
HB 5501	SB 2160	Appropriations Committee
HB 5601	SB 2128	Appropriations Committee
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HB 5701	SB 2130	Appropriations Committee
HB 7001	HB 7001	Economic Affairs Committee
HB 7003	HB 7003	Economic Affairs Committee
HB 7005	HB 7005	Economic Affairs Committee
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HB 7009	SB 924	Rules & Calendar Committee
HB 7011	SB 946	Rules & Calendar Committee
HB 7013	SB 916	Rules & Calendar Committee
HB 7015	SB 1202	Rules & Calendar Committee
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HB 7065	SB 1014	Appropriations Committee
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HB 7069	SB 1024	Appropriations Committee
HB 7071	SB 1022	Appropriations Committee
HB 7073	SB 1020	Appropriations Committee
HB 7075	HB 7075	State Affairs Committee
HB 7077	HB 7077	State Affairs Committee

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HB 7079	HB 7079	State Affairs Committee
HB 7081	HB 7081	State Affairs Committee
HB 7083	HB 7083	State Affairs Committee
HB 7085	HB 7085	State Affairs Committee
HB 7087	HB 7087	Education Committee
HB 7087	HB 1255	Education Committee
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HB 7095	HB 7095	Health & Human Services Committee
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HB 7105	HB 7105	Rules & Calendar Committee
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HB 7109	HB 7109	Health & Human Services Committee
HB 7111	HB 7111	Judiciary Committee
HB 7129	HB 7207	Economic Affairs Committee
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HB 7151	HB 7151	Education Committee
HB 7155	HB 7155	State Affairs Committee
HB 7159	HB 7159	State Affairs Committee
HB 7161	HB 7161	State Affairs Committee
HB 7163	SB 1346	Economic Affairs Committee
HB 7165	SB 1346	Economic Affairs Committee
HB 7167	SB 1346	Economic Affairs Committee
HB 7169	SB 1346	Economic Affairs Committee
HB 7171	SB 1346	Economic Affairs Committee
HB 7173	SB 1346	Economic Affairs Committee
HB 7181	SB 408	Economic Affairs Committee
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HB 7195	SB 1546	Education Committee
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HB 7205	HB 7205	Select Committee on Government Reorganization
HB 7207	HB 7207	Economic Affairs Committee
HB 7209	HB 7209	Appropriations Committee
HB 7209	SB 2122	Appropriations Committee
HB 7215	HB 7215	Appropriations Committee
HB 7215	HB 949	Appropriations Committee
HB 7215	SB 2122	Appropriations Committee
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HB 7217	SB 2106	State Affairs Committee
HB 7217	HB 7215	State Affairs Committee
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HB 7225	HB 7225	State Affairs Committee
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